

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development:

The Nevada Department of Education began its development of the State Performance Plan (SPP) by participating in the August 11-12, 2005, Summer Institute sponsored by the U.S. Office of Special Education Programs. Presenters at the Institute explained the statutory bases for requiring states to submit State Performance Plans; introduced the 20 performance indicators now required to be analyzed on an annual basis; and provided technical assistance for reporting baseline data, setting six-year targets, and developing strategies for improving performance.

Using the SPP templates and instructions as an organizing framework, the NDE collected relevant baseline data, analyzed the baseline data to inform the target setting process, set measurable and rigorous targets for improvement, and designed improvement activities. The NDE developed a DRAFT of the SPP for presentation in early November to two stakeholder groups: the State Special Education Advisory Committee (SEAC) and the Special Education District Administrators (SEDA) group.

The SEAC is comprised of 27 members representing individuals with disabilities, parents of students with disabilities, advocacy groups, individuals with disabilities, teachers, higher education institutions, state and local education officials, program administrators, other state agencies financing or serving students with disabilities, private schools, public charter schools, homeless education administrators, adult service agencies, and juvenile and adult corrections agencies. SEAC members represent urban and rural regions of the state. A majority of the members of SEAC are individuals with disabilities or parents of children with disabilities.

The SEDA group is comprised of the local school district special education directors, along with senior-level administrators in the larger school districts.

Stakeholder groups were given complete copies of the DRAFT document for review and response, but additional materials were also developed to facilitate their review of the document. Abstracts for each "new" and "continuing" Performance Indicator were prepared. For each "continuing" Performance Indicator, an abstract was prepared to summarize Baseline Data, proposed Targets, and the Rationale for the proposed Targets. For each "new" Performance Indicator, an abstract was prepared to summarize the Overview of Issues/Description of System or Process, which contains the NDE plans for collecting baseline data and setting targets to be reported in future Annual Performance Reports. A Summary of Improvement Initiatives was also prepared, containing highlights of each of the Improvement Initiatives as well as a cross-referencing of the Performance Indicators that the NDE anticipates will improve as a result of the work. This information was reviewed with stakeholders, who were given an opportunity collectively as well as individually to provide comments and make suggestions (oral and/or written) specifically focused on targets for continuing indicators, activities/timelines/resources for improvement initiatives, and data collection plans for new indicators.

During the input sessions with each stakeholder group, comments and suggestions were captured on poster boards and individuals were encouraged to respond thoughtfully to the input of others. Each stakeholder was also given a separate input form with instructions and a deadline for submitting additional written comments and recommendations by November 23, 2005. Several members of SEAC and SEDA provided additional feedback through this process. All input was carefully reviewed by the NDE and as a result, some revisions were made to targets as well as to improvement activities.

In December 2005, the SPP will be disseminated to local school district superintendents, special education directors and other administrators, parent training and advisory groups, state agency administrators, and other interested parties (approximately 125 total individuals and organizations statewide who support students with disabilities and their families in a variety of capacities). In addition, the SPP will be available on the NDE website, and a press release will be disseminated to regional newspapers in the state announcing the availability of the SPP on the website or by contacting the Nevada Department of Education.

Progress toward the state targets for Performance Indicators 1-20 will be reported to the public through development and submission of the Annual Performance Report (APR). The APR will be made available

to the public annually in March on the NDE website, following the February submission to OSEP. Progress will also be reported whenever the NDE has an opportunity to meet with and address local and statewide organizations such as parent and professional organizations, other state and local agencies, university and community college groups, and other community groups.

The progress of local education agencies toward the state targets for Performance Indicators 1-14 will be reported annually to the public in April on the NDE website and will be disseminated directly to SEDA and SEAC. The U.S. Office for Special Education Programs has advised the state that Performance Indicators 15-20 are not appropriate for reporting at the local education agency level, because they concern general supervision activities (e.g., monitoring, complaint investigations, mediation systems, due process hearing systems) for which the Nevada Department of Education has unique responsibility.

The targets established in Nevada's State Performance Plan are rigorous. Accomplishing these goals will require commitment and leadership among all the state's partners. Working together, we will improve results for Nevada's students with disabilities.

INDICATOR 1
CONTINUING INDICATOR--NDE-SET TARGETS

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

Overview of Issue/Description of System or Process:

Nevada is one of approximately 27 states that require students to pass a high stakes exit examination in order to obtain a standard diploma (NCEO Technical Report No. 36, "A National Study on Graduation Requirements and Diploma Options for Youth With Disabilities" 2003). This requirement is created in state statute (Nevada Revised Statutes) and any changes to statute require legislative action. The High School Proficiency Examination has been in place in the state for many years, although there have been revisions to increase the difficulty of the subject matter tested, as well as raise the cut-scores necessary for passing the examination. In other words, over time it has become more difficult for students, particularly students with disabilities, to pass the examination.

In addition to passing the High School Proficiency Examination, students must also complete the course of study prescribed by the Nevada State Board of Education and set forth in regulations contained in the Nevada Administrative Code. To earn a standard diploma, students with disabilities must satisfy the same requirements that students who do not have disabilities must satisfy.

A Certification of Attendance is issued to any student who earns all credits required to complete the course of study, but is unable to pass the High School Proficiency Examination. An Adjusted Diploma is available in Nevada for students with disabilities who satisfy the requirements specified in their Individualized Educational Programs (IEPs) even though they may not earn all credits necessary for graduation with a standard diploma or pass the High School Proficiency Examination.

Nevada uses a longitudinal formula to compute high school graduation rates for the total student population. In the formula, all graduates with standard, advanced, and adult diplomas are divided by the total number of completers, plus 12th grade dropouts in the previous year (d^{12}), 11th grade dropouts from two years ago (d^{11}), 10th grade dropouts from three years ago (d^{10}), and 9th grade dropouts from four years ago (d^9). This formula is expressed as:

$$\frac{\text{\# Standard, Advanced, Adult Diploma Recipients ("Regular Diplomas")}}{\text{\# Completers (Regular Diplomas, Other Diplomas, Other Completers)} + d^{12} + d^{11} + d^{10} + d^9}$$

It is not currently possible to calculate a longitudinal graduation rate for students with disabilities within the state data system, because there are an insufficient number of years of data available in a form that can be disaggregated by disability status. Therefore, graduation rates for students with disabilities in the baseline data for FFY 2004 have been calculated by dividing the number of students with disabilities who received a standard diploma according to the federal exit data table, by the total number of students with disabilities in grade 12 plus any "ungraded" students with disabilities ages 17-21 as reported on the federal child count. This formula is expressed as:

Students with Disabilities who are Standard Diploma Recipients, ages 14-21
 # Students with Disabilities in Grade 12 + "Ungraded" Students with Disabilities Ages 17-21

Baseline Data for FFY 2004 (2004-2005):

Baseline data are not available to compare graduation rates between students with disabilities and all youth in the state for the 2004-2005 school year. The most recent year for which statewide data are available is 2003-2004. In the APR submission in February 2007, the NDE will update the baseline data to reflect statewide data for 2004-2005.

Based on the formula calculations described above, the percent of youth with IEPs graduating from high school with a regular diploma during 2003-2004 was 22.0%; the percent of all youth in Nevada graduating with a regular diploma during 2003-2004 was 67.0%.

Discussion of Baseline Data:

Trends in the graduation rate for all youth show that rates increased slightly between 2001-2002 (72.0%) and 2002-2003 (74.8%), but lowered to 67.0% in 2003-2004. Trends in the graduation rate for students with disabilities show that rates have been declining slightly during the last three years (25.2% in 2001-2002; 22.6% in 2002-2003; 22.0% in 2003-2004).

FFY	Measurable and Rigorous Target
2005 (2005-2006)	22% of Nevada's youth with IEPs will graduate from high school with a regular diploma.
2006 (2006-2007)	22% of Nevada's youth with IEPs will graduate from high school with a regular diploma.
2007 (2007-2008)	23% of Nevada's youth with IEPs will graduate from high school with a regular diploma.
2008 (2008-2009)	24% of Nevada's youth with IEPs will graduate from high school with a regular diploma.
2009 (2009-2010)	25% of Nevada's youth with IEPs will graduate from high school with a regular diploma.
2010 (2010-2011)	26% of Nevada's youth with IEPs will graduate from high school with a regular diploma.

Note that the difference between a 22% graduation rate in 2005-2006 and a 26% graduation rate in 2010-2011 is an increase of 18% ($26 - 22 = 4 \div 22 = 18\%$).

The NDE anticipates reviewing and revising, if necessary, its targets for regular diploma graduation rates when the rate for students with disabilities can be disaggregated from the rate for all students. Broad stakeholder input will be sought when targets are reviewed and revised. The NDE goal over time is to have a regular diploma graduation rate for students with disabilities that is increasingly comparable to the rate for students who do not have disabilities.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 64)
- Assessment and Accountability (p. 66)
- Intervention Systems for Academic and Behavior Supports (p. 76)
- Secondary Transition Planning and Post-School Outcomes (p. 81)
- Special Education Focused Monitoring and Program Improvement System (p. 83)
- STARS--Nevada's Blueprint for High School Improvement (p. 84)

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INDICATOR 2 CONTINUING INDICATOR--NDE-SET TARGETS

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

Overview of Issue/Description of System or Process:

As described in Indicator 1, Nevada is one of approximately 27 states that require students to pass a high stakes exit examination in order to obtain a standard diploma. A high stakes exit examination reflects a state's commitment to high standards for student achievement and serves to motivate students and teachers to work harder. However, there is a growing body of research showing that high stakes exit examinations are associated with increased dropout rates, especially for students with disabilities and poor and minority students (NCEO Technical Report No. 36, "A National Study on Graduation Requirements and Diploma Options for Youth With Disabilities" 2003). Within Nevada, there is a concern that the labor market may provide disincentives for some students to remain in school, since there are a number of high paying jobs within the gaming and mining industries for which lower level skills are sufficient to succeed (WestEd Technical Report, "Student Achievement and Graduation Rates in Nevada" 2005). These issues will continue to be the subject of discussion for many years in Nevada as the state moves toward higher expectations for all students.

Nevada uses an "event rate" to describe the percentage of all students who leave school each year without completing a high school program. These numbers are also submitted to the Common Core of Data (CCD) universe collection at the National Center for Education Statistics (NCES) for inclusion in a national database of public school dropout rates. Nevada adheres exactly to the standard definition and collection procedures outlined by the CCD. The overall dropout rate for grades 9-12 in the state is calculated with the following formula: Total Dropouts in Grades 9-12 (Codes 4 through 7 plus Non>Returns), divided by Fall Enrollment and Non>Returns for Grades 9-12. Codes 4 through 7 include: withdrawal of pupil at the request of the school; withdrawal of pupil by pupil, parent, or guardian; absence for 10 consecutive school days if whereabouts are unknown; incarceration; and withdrawal for unexplained absence. This formula is expressed as:

$$\frac{\text{Total Dropouts in Grades 9-12 (Codes 4 through 7, plus Non>Returns)}}{\text{Fall Enrollment + Non>Returns for Grades 9-12}}$$

As of the 2003-2004 school year, the most recent year for which statewide dropout data are available, it is not currently possible to calculate an event rate that reflects the percentage of special education students who drop out of school each year because there are an insufficient number of years for which data are available in disaggregated form. Therefore, dropout rates for students with disabilities have been calculated by dividing the number of students with disabilities grades 9-12 who were dropouts in the state CCD data set, by the total number of students with disabilities in grades 9-12

plus any "ungraded" students ages 14-21, as reported on the federal child count. This formula is expressed as:

$$\frac{\# \text{ Students with Disabilities Designated as Dropouts in Grades 9-12 (codes 4 through 7, plus Non>Returns)}}{\# \text{ Students with Disabilities in Grades 9-12} + \text{"Ungraded" Students with Disabilities Ages 14-21}}$$

Baseline Data for FFY 2004 (2004-2005):

Baseline data are not available to compare dropout rates between students with disabilities and all youth in the state for the 2004-2005 school year. The most recent year for which statewide data are available is 2003-2004. In the APR submission in February 2007, the NDE will update the baseline data to reflect statewide data for 2004-2005.

Based on the formula calculations described above, the percent of youth with IEPs dropping out of high school during 2003-2004 was 7.4%; the percent of all youth in Nevada dropping out of high school during 2003-2004 was 5.8%.

Discussion of Baseline Data:

The dropout rate for all students during the last four years has ranged between a low of 5.0% to a high of 6.3%. The rate for students with disabilities has ranged from a low of 5.1% to a high of 7.4%. These rates are roughly comparable, although there is agreement among stakeholders that the rates are too high for all students. Acknowledging that the dropout rate calculation for students with disabilities is different from the calculation used for all students, the trends within each calculation provide useful information. For example, the dropout rate for students with disabilities has been increasing over the last four years, from 5.1% in 2000-2001 to 7.4% in 2003-2004. During the same four years, the dropout rate for all students has fluctuated, but during the last three years there has been a slight downward trend, from 6.3% in 2001-2002, to 6.0% in 2002-2003, to 5.8% in 2003-2004.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	7.4% of Nevada's youth with IEPs will drop out of high school.
2006 (2006-2007)	7.4% of Nevada's youth with IEPs will drop out of high school.
2007 (2007-2008)	7.1% of Nevada's youth with IEPs will drop out of high school.
2008 (2008-2009)	6.8% of Nevada's youth with IEPs will drop out of high school.
2009 (2009-2010)	6.5% of Nevada's youth with IEPs will drop out of high school.
2010 (2010-2011)	6.2% of Nevada's youth with IEPs will drop out of high school.

Note that the difference between a 7.4% dropout rate in 2005-2006 and a 6.2% dropout rate in 2010-2011 is a decrease of 16% ($7.4 - 6.2 = 1.2 \div 7.4 = 16\%$).

The NDE anticipates reviewing and revising, if necessary, its targets for dropout rates when the rate for students with disabilities can be disaggregated from the rate for all students. Broad stakeholder input will be sought when targets are reviewed and revised. In addition, although it is not anticipated

to be accomplished by 2010, the NDE goal over time is to have a dropout rate for students with disabilities that is no higher than for students who do not have disabilities.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 64)
- Intervention Systems for Academic and Behavior Supports (p. 76)
- Secondary Transition Planning and Post-School Outcomes (p. 81)
- Special Education Focused Monitoring and Program Improvement System (p. 83)
- STARS--Nevada's Blueprint for High School Improvement (p. 84)

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INDICATOR 3 CONTINUING INDICATOR--NDE-SET TARGETS

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with disabilities on statewide assessments:

- A. Percent of districts meeting the State's AYP objectives for progress for disability subgroup.
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

A. Percent = # of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs) divided by the total # of districts in the State times 100.

B. Participation rate =

- a. # of children with IEPs in grades assessed;
- b. # of children with IEPs in regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = e divided by a times 100).

Account for any children included in a but not included in b, c, d, or e above

Overall Percent = b + c + d + e divided by a.

C. Proficiency rate =

- a. # of children with IEPs in grades assessed;
- b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards (percent = e divided by a times 100).

Overall Percent = b + c + d + e divided by a.

Overview of Issue/Description of System or Process:

Assessment of Students with Disabilities

In response to the requirements of NCLB as well as a state legislative mandate, the NDE has established a comprehensive, large-scale assessment system that establishes proficiency levels based upon student-level data, and supports the expansion of multiple measures of achievement. This system has been phased in over a period of years. During 2003-2004, Criterion-Referenced Tests (CRTs) were administered by the state at grades 3, 5, and 8. By 2005-2006, CRTs will be conducted annually at grades 3-8. Norm-referenced testing occurs at grades 4, 7, and 10, but is not used for accountability purposes under NCLB. By 2007-2008, the total state assessment system will include comprehensive testing through the administration of the CRTs, writing assessment at grades 4 and 8, the High School Proficiency Exam (passage required for standard diploma), and NASAA (the Nevada Alternate Scales of Academic Achievement) at grades 3-8 and as an alternate to the High School Proficiency Exam, for students with significant cognitive disabilities who participate in a curriculum that addresses functional academics and whose IEP committees determine that an alternate assessment is appropriate.

Since 2000, Nevada has had in place an alternate assessment for students with significant disabilities for whom participation in the state's norm-referenced or criterion-referenced assessments is inappropriate. The alternate assessment was SCAAN—Skills and Competencies Alternate Assessment of Nevada. In response to the December 2003 NCLB regulation that permits up to 1% of the state's students to be counted as "proficient" based on alternate achievement standards, the NDE established a "SCAAN Proficiency Protocol" for special education teachers to use when evaluating proficiency. The SCAAN Proficiency Protocol provides a mechanism for the teacher to conclude whether the student has made progress, either when measured against SCAAN for emerging or independent functioning, or, if the SCAAN scores do not demonstrate progress in the emerging or independent range, against the student's IEP goals. The SCAAN Proficiency Protocol was used to make student-level determinations of proficiency against the alternate achievement standards for the 2004-2005 testing.

In order to align the state's alternate assessment with the requirements of NCLB and IDEA, a comprehensive review and redesign of SCAAN was begun during 2004-2005 and will continue through 2006-2007. See Attachment 2, Improvement Activities/Timelines/Resources, Assessment and Accountability Initiative (p. 66) for a description of improvement activities related to the redesign of Nevada's alternate assessment.

Adequate Yearly Progress

Adequate Yearly Progress (AYP) classifications are made annually based on three criteria: (1) participation rates on statewide assessments, (2) academic achievement, based on the percent of students that score proficient or higher on the state CRTs, writing tests, and high school proficiency exam, and (3) one other indicator, which in Nevada is average daily attendance at the elementary and middle school level and graduation rate at the high school level.

The data on these three indicators are disaggregated among nine subgroups at the school, district, and state level, to include: the five federally specified race/ethnicity categories, students with disabilities who have Individualized Educational Programs (IEP), students with Limited English Proficiency, and students receiving Free or Reduced Lunch (FRL). There are three areas in which a school could be classified as not meeting AYP: English Language Arts, Mathematics, or the Other Indicator. A school is classified as not making AYP if any one of the nine subgroups identified above does not meet the criteria for the three AYP indicators (participation rates, academic achievement, and either average daily attendance at the elementary and middle school level or graduation rate at the high school level). If the number of students in any subpopulation is fewer than 25, the subgroup is considered to have made AYP for the purpose of school- and district-level analyses. Safe harbor analyses consider the percent reduction in non-proficient students a school or subgroup has made since the previous school year as well as group performance on the other indicator. Schools that have not demonstrated AYP for two consecutive years in any of the three AYP areas are designated

"In Need of Improvement." To be removed from this status, a school must demonstrate AYP for two consecutive years in the designation area(s) previously designated as needing improvement.

AYP classifications are not made at the district level by subpopulation, by area (ELA, Mathematics, Other), or by level (elementary, middle, high school). A single classification is made at the district level that incorporates results of all nine subgroups, in all three areas, at all three levels.

In order for the district to be classified as having made AYP, the district must have made AYP in the areas of English Language Arts, Mathematics, and the Other Indicator. Under policy guidance from the U.S. Department of Education, a district makes AYP in each of these areas if each of the subgroups makes AYP at any level (elementary, middle, or high school). For the IEP subgroup, as an example, if the district makes AYP at the elementary level for English Language Arts, even though it does not make AYP at the middle or high school levels, then the subpopulation is considered to have made AYP for English Language Arts.

The district level designation for AYP in the last column on the baseline data table below (Table 3-A) reflects the district's overall classification for all subpopulations, for all areas (ELA, Mathematics, Other), for all levels (elementary, middle, high schools). The other columns indicate whether AYP was achieved for ELA and Mathematics (the "Other" indicator is not calculated for subgroups), at each level (elementary, middle, and high schools) for the IEP group only.

Participation of Students with Disabilities

Participation of students with disabilities in the statewide assessment is required not only by federal NCLB legislation, but also by state statutes (Nevada Revised Statutes 389.011 and 389.0115). Furthermore, language from the Guidelines for the Administration of the Nevada Proficiency Examination Program (NPEP), 2004-2005 makes clear that participation of all students is a requirement. In a section titled, "Who Tests," the guidelines state the following:

All students enrolled in public and charter schools at a grade level where a mandated test is administered statewide must participate in a test administration. ... Although past state law and regulation allowed exemptions from NPEP participation for students with disabilities ... the federal No Child Left Behind Act requires all students enrolled in grades where a state-mandated test is given to participate. State and federal requirements have been aligned so that all students must participate fully and meaningfully in the state assessments.

Table 3-B below describes the participation rates for students with disabilities in the statewide assessment system.

Performance of Students with Disabilities

In the data described below in Table 3-C, reading and mathematics assessments at grades 3, 5, and 8 were based on the results of criterion-referenced tests, and the High School Proficiency Examination was used for AYP purposes at high school. At grades 3, 5 and 8, the state's alternate assessment (an assessment called SCAAN in 2004-2005) was administered as an alternate to criterion-referenced assessments. Students accounted for in the High School Proficiency Examination include students who took the examination as 10th graders in the spring of 2004 and who took the examination as 11th graders in the spring of 2005. The results for the alternate assessment are for students who participated in SCAAN once during the 10th or 11th grade as an alternate to the High School Proficiency Examination. There were no reading or mathematics assessments administered for AYP purposes in grades 4, 6, or 7 during 2004-2005. For the 2004-2005 school year, Nevada did not assess any students using an alternate assessment measured against grade level standards.

Baseline Data for FFY 2004 (2004-2005):**A. Baseline Data for Percent of Districts Meeting Nevada's AYP Objectives for Disability Subgroup**

Following is a chart detailing the AYP data for each school district during 2004-2005, for the disability subgroup. For each school district, at the elementary, middle, and high school levels, for both English Language Arts and Math, the chart shows whether the district met the AYP targets. The "Other Indicator" is not shown, because "Other" is not considered in subgroup analyses, except as part of whether a district met the Safe Harbor criterion (which is incorporated into the indication of whether a district met the AYP objectives outlined below).

Table 3-A AYP Objectives for Disability Subgroup, and Overall District AYP Classifications In Nevada's 17 School Districts--2004-2005 School Year						
DISTRICT	AYP AREAS	AYP Objectives for IEP Subgroup*			IEP AYP**	OVERALL DISTRICT AYP CLASSIFICATION [▲]
		ELEMENTARY*	MIDDLE*	HIGH*		
Carson City	ELA	N	Y	N	Y	N
	Math	Y	N	Y	Y	
Churchill	ELA	N	Y	N	Y	Y
	Math	Y	Y	N	Y	
Clark	ELA	N	N	N	N	N
	Math	N	N	N	N	
Douglas	ELA	Y	Y	Y	Y	Y
	Math	Y	N	Y	Y	
Elko	ELA	N	Y	Y	Y	Y
	Math	N	N	Y	Y	
Esmeralda	ELA	Y (n<25)	Y (n<25)	Y (n<25)	Y	Y
	Math	Y (n<25)	Y (n<25)	Y (n<25)	Y	
Eureka	ELA	Y (n<25)	Y (n<25)	Y (n<25)	Y	Y
	Math	Y (n<25)	Y (n<25)	Y (n<25)	Y	
Humboldt	ELA	N	Y (n<25)	N	Y	Y
	Math	N	Y (n<25)	N	Y	
Lander	ELA	N	Y (n<25)	Y (n<25)	Y	Y
	Math	Y (n<25)	Y (n<25)	Y (n<25)	Y	
Lincoln	ELA	Y (n<25)	Y (n<25)	Y (n<25)	Y	Y
	Math	Y (n<25)	Y (n<25)	Y (n<25)	Y	
Lyon	ELA	N	Y	N	Y	Y
	Math	N	Y	N	Y	
Mineral	ELA	Y (n<25)	Y (n<25)	Y (n<25)	Y	Y
	Math	Y (n<25)	Y (n<25)	Y (n<25)	Y	
Nye	ELA	Y	Y	Y	Y	Y
	Math	Y	N	Y (n<25)	Y	
Pershing	ELA	Y (n<25)	Y (n<25)	Y (n<25)	Y	Y
	Math	Y (n<25)	Y (n<25)	Y (n<25)	Y	
Storey	ELA	Y (n<25)	Y (n<25)	Y (n<25)	Y	Y
	Math	Y (n<25)	Y (n<25)	Y (n<25)	Y	
Washoe	ELA	N	N	Y	Y	N
	Math	Y	N	N	Y	
White Pine	ELA	N	Y (n<25)	Y (n<25)	Y	Y
	Math	N	Y (n<25)	Y (n<25)	Y	

* Y = met targets in participation + either achievement or safe harbor

**Y = Y at any level (elementary, middle, or high school)

[▲] Y = overall AYP classification based on all subgroups, all areas, all levels

According to these data, the following percent of districts met the AYP objectives for the disability subgroup:

Percent of Districts Meeting Nevada's AYP Objectives for Disability Subgroup			
	Elementary	Middle	High
English Language Arts	8 of 17 = 47%	15 of 17 = 88%	12 of 17 = 71%
Mathematics	12 of 17 = 71%	11 of 17 = 65%	12 of 17 = 71%

It is important to note that although six districts (Esmeralda, Eureka, Lincoln, Mineral, Pershing, and Storey) did not have a sufficient "n" size (25 students) to calculate AYP in either English Language Arts or Math, these districts are included in the baseline data and in the percentages calculated as targets. The NDE chose to include these districts in the baseline analysis and in setting targets although OSEP indicated that the NDE could include only districts that have a disability subgroup that meets the state's minimum "n" size. The rationale used by the NDE including these districts reflects the fact that it is possible that the "n" size in any one of these districts will increase at some point in the next six years, and the district will be required to meet AYP targets for the disability subgroup. Since these districts are classified as having met AYP objectives for the IEP subgroup because the "n" size is too small to conclude otherwise, there is no distortion in reflecting them as having made AYP objectives for the baseline year, or in expecting that they would continue to make AYP objectives for subsequent years. Because there are so few school districts in Nevada (17), eliminating these districts from the baseline data and target-setting would create distorted percentages. By the 2013-2014 school year, all districts must make AYP for all subgroups, so it is essential that all districts be included in the baseline data analysis, and that all districts be considered in setting targets for the next six years.

B. Baseline Data for Participation Rates

Participation rates for the 2004-2005 baseline year were calculated by dividing the number of students with disabilities who participated in each examination by the total number of students with disabilities. The No Child Left Behind Act (NCLB) establishes a requirement that 95% of students participate in statewide assessments. Students were counted as participating in the assessments if they participated under any of the following circumstances:

- Regular assessment with no accommodations
- Regular assessment with accommodations
- Alternate assessment against alternate achievement standards

Table 3-B Participation Rates for Students with Disabilities in Criterion-Referenced Assessments 2004-2005 School Year		
FFY 2004 School Year 2004-2005	% Participating in Mathematics Assessment	% Participating in Reading Assessment
3 rd Grade	99.17%	99.2%
5 th Grade	98.79%	98.94%
8 th Grade	97.38%	97.47%
10-11 th Grades	87.8%	86.85%

C. Baseline Data for Proficiency Rates

Proficiency rates for the 2004-2005 baseline year were calculated by dividing the number of students who were proficient or above in each examination by the total number of students with disabilities. Proficiency is measured by students' performance in the following assessments:

- Regular assessment with no accommodations
- Regular assessment with accommodations
- Alternate assessment against alternate achievement standards

Table 3-C Proficiency Rates for Students with Disabilities in Criterion-Referenced Assessments 2004-2005 School Year		
FFY 2004 School Year 2004-2005	% Proficient in Mathematics	% Proficient in Reading
3 rd Grade	30.8%	23.6%
5 th Grade	22.5%	18.3%
8 th Grade	15.5%	17.5%
10-11 th Grades	12.2%	25.8%

Discussion of Baseline Data:

Proficiency results for students with disabilities taking criterion-referenced tests in mathematics and reading in grades 3, 5, 8 and 10-11 for the last two years are shown below. Arrows (up or down) reflect whether the 2004-2005 data showed an increase (↑) or a decrease (↓) when compared to the 2003-2004 data.

Students with Disabilities Proficiency Rates in Mathematics and Reading 2003-2004 and 2004-2005 School Years			
Grade	School Year	% Proficient in Mathematics	% Proficient in Reading
3rd Grade	2003-2004	24.4%	21.0%
	2004-2005	30.8% ↑	23.6% ↑
5th Grade	2003-2004	19.9%	16.3%
	2004-2005	22.5% ↑	18.3% ↑
8th Grade	2003-2004	12.8%	14.9%
	2004-2005	15.5% ↑	17.5% ↑
10-11th Grades	2003-2004	14.3%	35.0%
	2004-2005	12.2% ↓	25.8% ↓

As can be seen from this data, over the last two years, the largest magnitude of gain was made for 3rd grade students with disabilities in mathematics. Comparable growth occurred for 3rd grade Reading, 5th grade Mathematics and Reading, and 8th grade Mathematics and Reading. At 10th and 11th grades over the last two years, the percent proficient dropped in both Mathematics and Reading.

FFY	Measurable and Rigorous Target							
2005 (2005-2006)	A. Percent of districts meeting Nevada's AYP Objectives for disability subgroup will increase as follows:							
					Elementary	Middle	High	
	English Language Arts				53%	88%	71%	
	Mathematics				71%	65%	71%	
	B. 99.2% of students with disabilities will participate in statewide assessments.							
	C. Percentages of students with disabilities who are proficient or above in statewide assessments will increase as follows:							
	Mathematics				Reading			
	3rd	5th	8th	10-11th	3rd	5th	8th	10-11th
32%	24%	17%	14%	25%	20%	18.5%	26%	
2006 (2006-2007)	A. Percent of districts meeting Nevada's AYP Objectives for disability subgroup will increase as follows:							
					Elementary	Middle	High	
	English Language Arts				59%	88%	71%	
	Mathematics				71%	65%	71%	
	B. 99.3% of students with disabilities will participate in statewide assessments.							
	C. Percentages of students with disabilities who are proficient or above in statewide assessments will increase as follows:							
	Mathematics				Reading			
	3rd	5th	8th	10-11th	3rd	5th	8th	10-11th
34%	26%	18.5%	15.5%	26.5%	21.5%	19.5%	27%	
2007 (2007-2008)	A. Percent of districts meeting Nevada's AYP Objectives for disability subgroup will increase as follows:							
					Elementary	Middle	High	
	English Language Arts				65%	88%	77%	
	Mathematics				77%	71%	77%	
	B. 99.4% of students with disabilities will participate in statewide assessments.							
	C. Percentages of students with disabilities who are proficient or above in statewide assessments will increase as follows:							
	Mathematics				Reading			
	3rd	5th	8th	10-11th	3rd	5th	8th	10-11th
36%	28%	20%	17%	28%	23%	20.5%	28%	

2008 (2008-2009)	A. Percent of districts meeting Nevada's AYP Objectives for disability subgroup will increase as follows:							
					Elementary	Middle	High	
	English Language Arts				71%	88%	77%	
	Mathematics				77%	71%	77%	
	B. 99.5% of students with disabilities will participate in statewide assessments.							
	C. Percentages of students with disabilities who are proficient or above in statewide assessments will increase as follows:							
	Mathematics				Reading			
	3rd	5th	8th	10-11th	3rd	5th	8th	10-11th
	38%	30%	21.5%	18.5%	29.5%	24.5%	21.5%	29%
2009 (2009-2010)	A. Percent of districts meeting Nevada's AYP Objectives for disability subgroup will increase as follows:							
					Elementary	Middle	High	
	English Language Arts				77%	94%	82%	
	Mathematics				82%	77%	82%	
	B. 99.6% of students with disabilities will participate in statewide assessments.							
	C. Percentages of students with disabilities who are proficient or above in statewide assessments will increase as follows:							
	Mathematics				Reading			
	3rd	5th	8th	10-11th	3rd	5th	8th	10-11th
	40%	32%	23%	20%	31%	26%	22.5%	30%
2010 (2010-2011)	A. Percent of districts meeting Nevada's AYP Objectives for disability subgroup will increase as follows:							
					Elementary	Middle	High	
	English Language Arts				82%	94%	82%	
	Mathematics				82%	82%	82%	
	B. 99.7% of students with disabilities will participate in statewide assessments.							
	C. Percentages of students with disabilities who are proficient or above in statewide assessments will increase as follows:							
	Mathematics				Reading			
	3rd	5th	8th	10-11th	3rd	5th	8th	10-11th
	42%	34%	24.5%	21.5%	32.5%	27.5%	23.5%	31%

Note that for sub-indicator 3A, targets have been set toward all districts meeting Nevada's AYP objectives for the disability subgroup by 2013-2014, in accordance with the requirements established under NCLB.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 64)
- Assessment and Accountability System (p. 66)

- Intervention Systems for Academic and Behavior Supports (p. 76)
- Professional Development (p. 78)
- Special Education Focused Monitoring and Program Improvement System (p. 83)
- STARS--Nevada's Blueprint for High School Improvement (p. 84)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 4a and 4b

4a, CONTINUING INDICATOR--NDE-SET TARGETS

4b, NEW INDICATOR--TARGETS TO BE SET IN 2007

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and
- B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

- A. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year divided by # of districts in the State times 100.
- B. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity divided by # of districts in the State times 100.

Include State's definition of "significant discrepancy."

Overview of Issue/Description of System or Process:

Supporting the behavioral needs of students with disabilities remains a priority for the NDE. Efforts to address these needs are primarily targeted at professional development. The NDE is collaborating with the University of Nevada, Las Vegas and PBS-Nevada to create a cadre of graduate students, professors, and others to provide training to school staff members on positive behavioral interventions and supports (PBIS). Clark County School District (CCSD) has received support from the NDE and has worked with PBS-Nevada to help pilot a set of feeder schools to implement the PBIS model. Lessons have been learned about the best ways in which to help schools create and sustain structures that support students' behavioral success, and the NDE and CCSD will collaborate with other districts to help them put PBIS systems into place, looking to organizations like UNLV and PBS-Nevada to help with this work. Additionally, in 1999, a technical assistance document and a video training tool on Positive Behavioral Supports (PBS) were created in collaboration with the late Glenn Latham. More than 5,000 copies of the technical assistance document have been disseminated, and each district received a copy of the video training, which was produced in collaboration with CCSD's Channel 10 TV station. The work of the NDE to help schools develop and sustain intervention systems that meet students academic as well as behavioral needs began in June 2005, and promises to help schools proactively address behavior before concerns become too great.

Sub-Indicator A. Nevada compares district rates for suspension/expulsion of students with disabilities to the statewide average rate of suspension/expulsion of students with disabilities to evaluate comparability. Although the state collects suspension/expulsion data for all students, no

data exist for students who do not have disabilities that are precisely comparable to the definitions required in the federal IDEA data collection (which is required to be the data set used in this analysis).

Nevada defines a district's suspension/expulsion rate as "significantly discrepant" if it is more than 25% higher than the statewide average rate. Annually, in conjunction with submission of their eligibility documents for Part B funding, each district submits data to the NDE concerning students who are suspended or expelled for more than 10 days in a school year. These data are reported annually to OSEP in Table 5, Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days. Summative data are submitted for the following three categories for suspensions or expulsions that do not involve removals for drugs/controlled substances, weapons, or dangerous behavior:

- An unduplicated count of students ages 3-21 who were suspended/expelled for more than 10 days during the school year for any offense or combination of offenses
- The number of times students ages 3-21 were subject to a single suspension/expulsion of more than 10 days (students may be counted more than once)
- An unduplicated count of students ages 3-21 who were subject to multiple short-term suspensions summing to more than 10 days

The statewide average rate is calculated by dividing the statewide totals in each of these "counts" by the total number of students with disabilities in the districts reporting suspensions/expulsions in these categories. District rates are calculated by dividing the district's total in each of these "counts" by the total number of students with disabilities in the district. District rates are examined to determine whether they exceed the statewide average rate by more than 25%.

If a district exceeds the statewide average rate for suspensions/expulsions by more than 25%, the NDE conducts a review of district policies, procedures and practices to ensure compliance with IDEA Part B requirements concerning suspensions/expulsions. In addition, the NDE inquires about the extent to which students with disabilities are provided the positive behavior interventions and supports necessary to maximize participation in regular education environments, and whether the district has established strategies to reduce high rates of suspension and expulsions. Policies and procedures that do not comply with IDEA Part B requirements are revised; noncompliant practices are modified through training and technical assistance.

Complaint investigation and due process findings of noncompliance with IDEA Part B requirements for suspension/expulsion are corrected through orders requiring, for example, that a student be returned to the placement the student was in prior to an improper disciplinary removal.

Sub-Indicator B. Sub-Indicator B has been designated by OSEP as a "new" performance indicator, which requires that the NDE describe how it will collect data during 2005-2006 in order to set targets and report performance against this indicator in the Annual Performance Report to be submitted in February 2007. Race/ethnicity is currently collected and reported by school districts and state-sponsored charter schools within the annual submission of suspension/expulsion data.

In order to report the percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity, the NDE will examine each race/ethnicity category to determine whether the rate of suspension/expulsions > 10 school days within each race/ethnicity category is significantly discrepant from the overall statewide average. Significant discrepancies will be identified if the rate of suspension/expulsions > 10 school days is more than 125% of the overall statewide average. From these 2005-2006 baseline data, targets will be established and submitted in the APR due in February 2007. All targets will be established with input from a broad group of stakeholders in a manner similar to that which has occurred in establishing the targets for those indicators throughout this SPP that are "continuing."

Baseline Data for FFY 2004 (2004-2005):

Baseline data are derived from district-reported data on the federal suspension/expulsion data table submitted annually by each school district. Although data are collected from each district, some districts report that no students were suspended or expelled for more than 10 school days for misconduct that did not involve drugs/controlled substances, weapons, or dangerous behavior. For example, during 2004-2005, only 7 of Nevada's 17 school districts reported suspensions/expulsions for more than 10 school days for conduct other than drugs/controlled substances, weapons, or dangerous behavior. Consequently, the statewide average was calculated based on child count and suspension/expulsion data for these seven districts, and individual district rates were also calculated.

Following is a table showing the calculation of statewide and individual district suspension/expulsion rates for students suspended or expelled for more than 10 days during 2004-2005 for misconduct that did not involve drugs/controlled substances, weapons, or dangerous behavior. In the first row of data, the statewide average for suspensions/expulsions is calculated, by dividing the number of students (columns 2 and 4) and suspension/expulsion incidents (column 3) by the total number of students with disabilities in the districts listed. In the next row, the statewide average is increased by 25% to establish the threshold for significant discrepancy. The remaining rows show the percentages for each district that imposed suspensions and expulsions for greater than 10 school days, for conduct that did not involve drugs/controlled substances, weapons, or dangerous behavior.

Statewide and District Suspension/Expulsion Rates 2004-2005 School Year			
	Suspensions or Expulsions > 10 Days		
	# of Students Suspended/Expelled > 10 Days As % of Total Students with Disabilities	# of Single Suspension/Expulsions > 10 Days As % of Total Students with Disabilities	# of Students with Multiple Suspension/ Expulsions Summing to > 10 Days As % of Total Students with Disabilities
Statewide Average for Students with Disabilities	2.6%	1.6%	2.4%
Statewide Average + 25% = Threshold for Significant Discrepancy	3.3%	2.0%	3.0%
Clark Co. Sch. Dist.	3.2%	2.0%	3.0%
Douglas Co. Sch. Dist.	3.2%	1.8%	1.8%
Humboldt Co. Sch. Dist.	1.2%	1.6%	1.2%
Lander Co. Sch. Dist.	1.4%	0	1.4%
Nye Co. Sch. Dist.	0.7%	0.1%	0.6%
Washoe Co. Sch. Dist.	0.01%	0%	0.01%
White Pine Co. Sch. Dist.	0.9%	0.4%	0.9%

In 2004-2005, 7 of Nevada's 17 school districts suspended and/or expelled students for more than 10 days for offenses that did not involve drugs/controlled substances, weapons, or dangerous behavior. During this year, none of these school districts had suspension/expulsion rates that exceeded the statewide average by more than 25%. Note that the data submitted by Washoe County School District are incomplete due to a data system failure; however, in the previous two years for which this same analysis was conducted, Washoe County School District was under the statewide average for suspensions/expulsions of more than 10 school days. Necessary attention has been given to the

data collection system in Washoe County School District to ensure that data are properly collected and maintained in the future.

Discussion of Baseline Data:

Analysis of the rate of suspension/expulsion data shows that the statewide rate has been growing each year for the last four years. Districts report to the NDE that this is due in part to school districts becoming more knowledgeable about the ways in which students with disabilities may be legally suspended, and district administrators are therefore less reluctant to suspend students with disabilities. This increased knowledge about the procedures required for legally defensible disciplinary removals is combined with increasing community and legislative pressure to remove students from schools when their conduct is unacceptable. Thus, for these reasons, as well as others, an increase in suspension rates is not unexpected.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.
2006 (2006-2007)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.
2007 (2007-2008)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.
2008 (2008-2009)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.
2009 (2009-2010)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.
2010 (2010-2011)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 64)
- Intervention Systems for Academic and Behavior Supports (p. 76)
- Professional Development (p. 78)
- Special Education Focused Monitoring and Program Improvement System (p. 83)
- STARS--Nevada's Blueprint for High School Improvement (p. 84)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 5 CONTINUING INDICATOR--NDE-SET TARGETS

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- B. Percent = # of children with IEPs removed from regular class greater than 60% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- C. Percent = # of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.

Overview of Issue/Description of System or Process:

Nevada has sustained its efforts for more than a decade to promote inclusive practices for students of all ages. These efforts have included annual regional and statewide conferences, support of local training opportunities, dissemination of technical assistance materials, and targeted on-site support for problem solving at building levels. In addition, during the 2003-2004 school year, the NDE supported a project through the University of Nevada Reno to provide training and technical assistance to rural school districts to expand inclusive early childhood placement options.

Baseline Data for FFY 2004 (2004-2005):

During 2004-2005, 53.1% of Nevada's students with disabilities were served in regular education environments for between 80-100% of the school day.

Discussion of Baseline Data:

The table below describes Nevada's placement data for students ages 6-21 over the last five years. Column two reflects the percentage of students with disabilities who spend between 80-100% of their school day in regular education environments.

Placement Data for Students Ages 6-21

December 1, SCHOOL YEAR	% IN REG. ED. ENVIRON. 80-100% OF SCHOOL DAY (AGES 6-21)	% IN REG. ED. ENVIRON. 40-79% OF SCHOOL DAY (AGES 6-21)	% IN REG. ED. ENVIRON. 0-39% OF SCHOOL DAY (AGES 6-21)	% IN PUBLIC OR PRIVATE SEPARATE SCHOOL, PUBLIC OR PRIVATE RESIDENTIAL FACILITY, OR HOMEBOUND/HOSPITAL (AGES 6-21)
2000-2001	50.7%	31.3%	15.7%	2.3%
2001-2002	50.7%	31.3%	15.9%	2.1%
2002-2003	50.0%	31.6%	16.4%	2.0%
2003-2004	50.4%	30.7%	17.1%	1.8%
2004-2005	53.1%	29.4%	15.8%	1.7%

The data show an increase over time in the percentage of students with disabilities who spend 80-100% of their school day in regular education environments, from 50.7% in 2000-2001 to 53.1% in 2004-2005. These percentages compare favorably with national data showing that in **2003-2004** (the last school year for which comparable data are available), 49.9% of students with disabilities were placed in regular education environments for at least 80% of the school day (compared with 50.4% in Nevada). In that same year, national data show that 3.9% of students were placed in public and private separate schools, public or private residential facilities, or homebound/hospital, compared with 1.8% in Nevada (source: www.ideadata.org).

Note that in the targets set below, targets A, B, and C will not sum to 100% because the category of placement in regular education environments for 40-79% of the school day is not included. This category is anticipated to change as more students are included in the 80-100% group, and fewer are included in the 0-39% and separate settings groups.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	A. 53.5% of students with IEPs will be removed from regular class less than 21% of the day.
	B. 15.7% of students with IEPs will be removed from regular class greater than 60% of the day.
	C. 1.7% of students with IEPs will be served in public or private separate schools, residential placements or homebound or hospital placements.
2006 (2006-2007)	A. 54.0% of students with IEPs will be removed from regular class less than 21% of the day.
	B. 15.6% of students with IEPs will be removed from regular class greater than 60% of the day.
	C. 1.7% of students with IEPs will be served in public or private separate schools, residential placements or homebound or hospital placements.

2007 (2007-2008)	A. 54.5% of students with IEPs will be removed from regular class less than 21% of the day.
	B. 15.5% of students with IEPs will be removed from regular class greater than 60% of the day.
	C. 1.7% of students with IEPs will be served in public or private separate schools, residential placements or homebound or hospital placements.
2008 (2008-2009)	A. 55.0% of students with IEPs will be removed from regular class less than 21% of the day.
	B. 15.4% of students with IEPs will be removed from regular class greater than 60% of the day.
	C. 1.7% of students with IEPs will be served in public or private separate schools, residential placements or homebound or hospital placements.
2009 (2009-2010)	A. 55.5% of students with IEPs will be removed from regular class less than 21% of the day.
	B. 15.3% of students with IEPs will be removed from regular class greater than 60% of the day.
	C. 1.7% of students with IEPs will be served in public or private separate schools, residential placements or homebound or hospital placements.
2010 (2010-2011)	A 56.0% of students with IEPs will be removed from regular class less than 21% of the day.
	B. 15.2% of students with IEPs will be removed from regular class greater than 60% of the day
	C. 1.6% of students with IEPs will be served in public or private separate schools, residential placements or homebound or hospital placements.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 64)
- Early Childhood Services and Outcomes (p. 73)
- Intervention Systems for Academic and Behavior Supports (p. 76)
- Professional Development (p. 78)
- Secondary Transition Planning and Post-School Outcomes (p. 81)
- Special Education Focused Monitoring and Program Improvement System (p. 83)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 6 CONTINUING INDICATOR--NDE-SET TARGETS

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

(20 U.S.C. 1416(a)(3)(A))

Measurement:

Percent = # of preschool children with IEPs who received special education services in settings with typically developing peers divided by the total # of preschool children with IEPs times 100.

Overview of Issue/Description of System or Process:

Nevada has sustained its efforts for more than a decade to promote inclusive practices for students of all ages. These efforts have included annual regional and statewide conferences, support of local training opportunities, dissemination of technical assistance materials, and targeted on-site support for problem solving at building levels. In addition, during the 2003-2004 school year, the NDE supported a project through the University of Nevada Reno to provide training and technical assistance to rural school districts to expand inclusive early childhood placement options.

Some progress has been made in developing more inclusive placement options for early childhood students with disabilities. Washoe County School District and Clark County School District have made efforts to establish more placement options in community-based preschools during the last two years, and the growth in early childhood placements (from 10% in 2000-2001 to 19% in 2003-2004) reflects these efforts. A slight decline in inclusive early childhood placements has occurred between 2003-2004 and 2005-2006. One reason for this decline has been the increase of specialized programs for young children (e.g., for students with autism) in Nevada's two largest school districts.

Baseline Data for FFY 2004 (2004-2005):

Nevada combines the following placement categories to calculate the percent of preschool children with IEPs who receive special education and related services in settings with typically developing peers:

- Early childhood setting
- Home
- Part-time in early childhood settings and part-time in early childhood special education settings
- Itinerant service outside home
- Reverse mainstreaming

Combining these categories, 37% of Nevada's students ages 3-5 were served in settings with typically developing peers during school year 2004-2005.

Discussion of Baseline Data:

The following table describes Nevada's trend data for placement of early childhood students with disabilities over the last five years.

Placement Data for Students Ages 3-5

December 1, SCHOOL YEAR	% IN EARLY CHILDHOOD SETTING (EC) (AGES 3-5)	% IN EARLY CHILDHOOD SPECIAL EDUCATION SETTING (ECSE) (AGES 3-5)	% IN HOME (AGES 3-5)	% PART-TIME IN EC AND PART TIME IN ECSE (AGES 3-5)	% IN RESIDENTIAL FACILITY OR SEPARATE SCHOOL (AGES 3-5)	% IN ITINERANT SERVICE OUTSIDE HOME (AGES 3-5)	% IN REVERSE MAINSTREAM SETTING (AGES 3-5)
2000-2001	10.1%	65.1%	0.8%	8.2%	0.7%	12.7%	2.4%
2001-2002	10.3%	62.1%	0.8%	3.7%	1.0%	18.6%	3.5%
2002-2003	13.5%	60.0%	0.7%	3.7%	0.8%	18.0%	3.3%
2003-2004	19.0%	58.3%	0.6%	4.7%	0.9%	11.8%	4.6%
2004-2005	17.4%	62.4%	0.6%	3.4%	0.7%	11.6%	4.0%

Analysis of this data suggests that too many students ages 3-5 are placed 100% of the day in early childhood special education settings (58.3% in 2003-2004, growing to 62.4% in 2004-2005). National data show that in **2003-2004** (the most recent year for which comparable data are available), 34% of preschool students with disabilities were placed in early childhood settings, while only 19% of Nevada's preschool students were placed in early childhood settings during that year. The national total for all settings with typically developing peers (early childhood setting, home, part-time early childhood and part-time early childhood special education, itinerant service outside home, and reverse mainstream) was 64.8% in **2003-2004**, compared to 40.7% in Nevada (source: www.ideadata.org).

FFY	Measurable and Rigorous Target
2005 (2005-2006)	37.5% of preschool students with IEPs will receive special education services in settings with typically developing peers.
2006 (2006-2007)	38.0% of preschool students with IEPs will receive special education services in settings with typically developing peers.
2007 (2007-2008)	38.5% of preschool students with IEPs will receive special education services in settings with typically developing peers.
2008 (2008-2009)	39.0% of preschool students with IEPs will receive special education services in settings with typically developing peers.
2009 (2009-2010)	39.5% of preschool students with IEPs will receive special education services in settings with typically developing peers.
2010 (2010-2011)	40.0% of preschool students with IEPs will receive special education services in settings with typically developing peers.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Access to General Education Curriculum in Regular Education Environments (p. 64)
- Early Childhood Services and Outcomes (p. 73)
- Intervention Systems for Academic and Behavior Supports (p. 76)
- Professional Development (p. 78)
- Special Education Focused Monitoring and Program Improvement System (p. 83)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 7 NEW INDICATOR--TARGETS TO BE SET IN 2008

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

A. Positive social-emotional skills (including social relationships):

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = $\frac{\# \text{ of preschool children who reach or maintain functioning at a level comparable to same-aged peers}}{\# \text{ of preschool children with IEPs assessed times 100}}$.
- b. Percent of preschool children who improve functioning = $\frac{\# \text{ of preschool children who improved functioning}}{\# \text{ of preschool children with IEPs assessed times 100}}$.
- c. Percent of preschool children who did not improve functioning = $\frac{\# \text{ of preschool children who did not improve functioning}}{\# \text{ of preschool children with IEPs assessed times 100}}$.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If $a + b + c$ does not sum to 100%, explain the difference.

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy)

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = $\frac{\# \text{ of preschool children who reach or maintain functioning at a level comparable to same-aged peers}}{\# \text{ of preschool children with IEPs assessed times 100}}$.
- b. Percent of preschool children who improved functioning = $\frac{\# \text{ of preschool children who improved functioning}}{\# \text{ of preschool children with IEPs assessed times 100}}$.
- c. Percent of preschool children who did not improve functioning = $\frac{\# \text{ of preschool children who did not improve functioning}}{\# \text{ of preschool children with IEPs assessed times 100}}$.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If $a + b + c$ does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = $\frac{\# \text{ of preschool children who reach or maintain functioning at a level comparable to same-aged peers}}{\# \text{ of preschool children with IEPs assessed times 100}}$.

children with IEPs assessed times 100.

- b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

Overview of Issue/Description of System or Process:

This indicator has been designated by OSEP as a “new” performance indicator, which requires that the NDE describe how it will collect data in order to report entry baseline data in the Annual Performance Report due in February 2007 and set targets in the Annual Performance Report to be submitted in February 2008.

While this is a new indicator, a similar indicator existed in the previous APR, and so the state began to conduct some work during 2003-2004 to establish a preliminary data collection. While no systems were in place then to evaluate performance regarding children’s social/emotional skills or behavior, one existing project did provide a limited source of data to evaluate the progress of students with disabilities in early language/communication skills in preschool. That project is the Nevada Early Childhood Education (ECE) Program—a state-funded initiative to establish or expand pre-kindergarten programs for general education preschoolers. The State’s ECE program evaluation system will serve as the foundation upon which a comprehensive unified system of early childhood outcomes evaluation will be built for Nevada to meet the new indicator under the SPP. In order to build and implement this data system, the NDE and Nevada’s Part C Lead Agency (Nevada Department of Human Resources—Nevada Early Intervention Services [NEIS]), will jointly engage in the comprehensive process outlined below.

1. The NDE in collaboration with NEIS will analyze unique state dynamics in light of national research when developing an Early Childhood Outcomes Evaluation System. The NDE and NEIS will review the research literature, gather recommendations of national organizations, and investigate the systems that other states have developed and what they have learned through these processes. The NDE and NEIS will also conduct a review (crosswalk) of measurement tools to consider tools that measure child progress as well as compare the child to same aged peers; reliability and validity of the measurement tools; type and variety of measurement tools (e.g. norm-referenced, criterion-referenced, curriculum based assessments, observational report); the relationship of the measurement tools to the child outcomes prescribed by OSEP; and the relationship of the measurement tools to program values, beliefs and policies. This step will be conducted from January-February, 2006.
2. The NDE and NEIS will engage a task force of statewide stakeholders and technical experts in an inquiry process to provide recommendations regarding what evidence will be necessary to determine if an outcome has been reached and the measurement tools that will be used to gather this information. This task force will include representatives from school districts, parent organizations, early childhood and early intervention program and evaluation experts, university faculty, Part B and Part C state administrators, independent consultants and technical assistance providers with expertise in child outcomes and measurement. The task force will address the following variables:
 - uses for the child outcome data (e.g., federal and state reporting, program and policy decision making, documenting effective practices, appealing for additional funding or technical assistance) including appropriate uses and misuses;
 - the need for a continuum between the Part C child outcomes and Part B performance standards;

- evidence of outcomes (i.e., what benchmarks will be indicative of “improved skills”) vs. several different indicators per outcome (e.g., prevention of regression, prevention of delay, change in rate at which skills are acquired, elimination of delay);
- strategies to collect data for each outcome/standard that reflects changes in children’s functioning and make comparisons to age-level expectations;
- criteria for choosing assessment instruments (e.g., program values and beliefs; consistency with policy; content related to outcomes/cross-walking content to outcomes; cost/resources need; appropriateness for children with special needs; avoiding over-assessment of children transitioning from Part C to Part B);
- strategies and resources for data collection, verification, and analysis; and
- how information and decisions are communicated to others.

The Task Force will convene beginning in March 2006 and complete its work by May 2006.

3. The NDE will work with NEIS to develop a unified Early Childhood Outcomes Evaluation System for children age birth through five that is responsive to stakeholder input, state variables, and national research. The NDE will create a framework for collecting, analyzing, reporting, and using early childhood outcomes data for children ages three through five that works in concert with the system for collecting data for infants and toddlers. In collaborating with school districts to gather these data, the NDE will address the following considerations:

- what measurement tool(s) will be used including whether or not districts may select from a list of approved tools or must use prescribed tools;
- who will conduct the assessments; when and how often measurement will occur including how soon after the child begins to receive services and how close to exiting the a preschool program (or turning six) measurement must occur;
- how non-English speaking children will be assessed; and
- how to address students' needs for accommodations or alternate assessment.

The Early Childhood Outcomes Evaluation System will be developed to include a computerized data management system that will take into consideration:

- how data points will be converted into reportable data formats (e.g., conversion of multiple measures into one score for each outcome area and measurement of a child’s level of functioning in relation to same-aged peers);
- who will report the raw data to whom, in what form, and how often;
- how to ensure that all required fields are completed when data is entered into the computer;
- how individual children’s data will be matched over repeated assessments and how to coordinate Part C and Part B data points to allow longitudinal tracking of individual children’s progress;
- how data will be analyzed;
- how to create reports which satisfy the intended uses of the early childhood evaluation outcomes system; and
- how to ensure security of the computerized system.

To ensure accuracy and efficiency in the collection of these data, training will be conducted for all necessary individuals (e.g., administrators, teachers, external contractors, parents, etc.) on procedures for collecting the data. Training will also address how to use the data for instructional, programming, and planning decisions, including how to explain data to stakeholders such as parents, central administrative staff, board members, etc. Quality assurance and monitoring procedures will be established to provide training, monitoring, and technical assistance to ensure the correlation of the data to the outcomes/standards as well as to ensure accuracy of data input into the computerized database and maintenance of data entry, data analysis, and reporting functions. The system will be developed from June-September 2006, training will conducted beginning in September 2006 and will be ongoing from that point forward as will the implementation of quality assurance and monitoring procedures.

4. The NDE will conduct baseline assessments for preschool age children with disabilities (no sampling is anticipated) entering the service delivery system beginning in the fall of 2006. The NDE will analyze the assessment process following that collection, as well as monitor results from initial implementation. Follow-up assessments will then be conducted in keeping with the system design. Continued analysis of the assessment process, data results and trends from subsequent implementation will occur to ensure an effective and efficient evaluation system. Ongoing preparation and posting of reports will occur, as will technical assistance to help necessary stakeholders understand and use the data to improve services for young children with disabilities.

Entry baseline data collected in the fall of 2006 will be reported in the February 2007 Annual Performance Report (APR), even though this will not represent an entire year of entry baseline data. The baseline data will be updated to include all entry data collected during 2006-2007 when the NDE submits the APR due in February 2008. Also in the APR due in February 2008, the NDE will report all exit data collected from March 2007 through June 2007 for any children served for six months or more (with September 2006 as the earliest "entry" date).

Targets will be established and submitted in the APR due in February 2008. Once a complete year of "exit" data are collected (anticipated to be 2007-2008), targets may need to be revised. All targets will be established with input from a broad group of stakeholders in a manner similar to that which has occurred in establishing the targets for those indicators throughout this SPP that are "continuing."

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 8 NEW INDICATOR--TARGETS TO BE SET IN 2007

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

Percent = # of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities divided by the total # of respondent parents of children with disabilities times 100.

Overview of Issue/Description of System or Process:

This indicator has been designated by OSEP as a “new” performance indicator, which requires that the NDE describe how it will collect data during 2005-2006 in order to set targets and report performance against this indicator in the Annual Performance Report to be submitted in February 2007.

The NDE has elected to purchase a survey instrument from the National Center for Special Education Accountability Monitoring (NCSEAM) to measure the percent of parents who report that their children's schools facilitated parent involvement as a means of improving services and results for students with disabilities. This parent survey has been carefully constructed and field-tested to yield valid and reliable measures of parents' perceptions and involvement in special education programs. The NDE has chosen the NCSEAM survey for the following specific reasons:

- a. The NCSEAM surveys are scientifically-based, valid and reliable.
- b. The NCSEAM measurement system consists of items suggested by parents and families that have been validated by data provided by parents and families.
- c. The NCSEAM-recommended standards were set by a national stakeholder group.
- d. The NCSEAM scales provide a map for program improvement
- e. Measures on the different NCSEAM scales reveal important associations between improvement in services and improvement in outcomes for children and families.

Although a more comprehensive survey is available from NCSEAM, Nevada has elected to use a smaller, 25-item subset of survey questions to focus specifically on the measurement required in this Performance Indicator. The NDE anticipates purchasing a NCSEAM package, which will include printing of survey forms, scanning of completed forms, data analysis, and state-level support in addressing specific issues that arise as the NDE implements its sampling plan for Washoe and Clark County School Districts (the two largest districts in the state, and the only two districts with ADM [average daily membership] exceeding 50,000 students).

The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. The NDE will not sample local education agencies (there are only 17)—rather, districts are selected so as to ensure a representative group in each of the four years in the monitoring cycle. The group of districts will be

representative of the state if each group includes rural and urban communities, large and small schools, and a representative group of students with disabilities.

For any one of the 15 smaller districts in Nevada (ranging in annual special education child count from approximately 20 through 1,300) that participate in any year in the four-year cycle, 100% of parents of students will be surveyed. For those districts, the NDE will report on the entire population. Because they have an ADM of more than 50,000 students, a representative sample of parents will be surveyed each year in Clark County School District (special education child count of approximately 31,000) and Washoe County School District (special education child count of approximately 8,100).

Sampling Plan

Population Represented

Parents of students with disabilities in Washoe and Clark County School Districts will be sampled to represent the entire population of students with disabilities in those two school districts (i.e., the Washoe sample will represent the entire population of students with disabilities in the Washoe County School District).

Ensuring a Representative Sample

Because the NDE will sample from within each of the two largest school districts (Washoe and Clark) in each year, the sample will be representative of the population it is trying to represent (i.e., parents of students with disabilities in those districts).

Sampling Methods

The sample will be stratified to represent not only each district's population in terms of disability category, but also race and age. If in the future the NDE begins to collect gender data, gender will also be considered as a sampling factor. Because parents will be selected based upon the characteristics of their children (disability category, age, and race), the sample is expected to be the same as the population of students with disabilities in the district.

Specific Sampling Procedures

The NDE will use stratified sampling to ensure that a sample representative of the parents of all students with disabilities in the district is surveyed. Stratified sampling is a commonly used probability method that is superior to random sampling, particularly when a subset of the population has low incidence relative to other segments of the population. This method will be useful when sampling among low-incidence disability categories, such as students with vision and hearing impairments.

Method/Process for Data Collection

The NCSEAM survey will be used to collect data on the percent of parents who report that their children's schools facilitated parent involvement as a means of improving services and results for students with disabilities. The survey will be mailed to families; and the possibility of an internet version will be explored more thoroughly with NCSEAM.

Addressing Problems

Acknowledging that low survey response rates pose problems when drawing inferences about the population as a whole, the NDE will take the following steps to ensure that valid and reliable information is obtained:

- First, the NDE will work with NCSEAM survey vendor(s) to identify the number of responses that are necessary to reasonably draw inferences about the population. Using a sampling calculator available on line at <http://www.surveysystem.com/sscalc.htm>, with a 95% confidence level and a confidence interval of five, it will take a sample size of 367 to represent the total population of 8,109 students with disabilities in Washoe County, and a sample size of 379 to represent the total population of 30,934. In order to ensure sufficient responses, the NDE will over-sample, and then weight responses as necessary.

- Assuming that the NCSEAM survey addresses the common flaws in survey question design (unclear questions, providing a postage stamp on the return envelope, etc.), the NDE will work with Nevada PEP (the state's federally funded Parent Training and Information Center) to develop correspondence and other media communications encouraging parents to respond to the survey, and advising parents to seek assistance from Nevada PEP if they are unclear about any aspect of the survey.
- Incomplete surveys will be followed up with telephone calls and/or additional mailings as resources permit.
- A Spanish version of the survey will be used as an option for parents, and more than one method (paper and pencil as well as internet) will be available for parent response.
- Because sampling will only occur in the two largest school districts, no violations of confidentiality are anticipated.

State and Local Reporting

The NDE will report results from each local district for the most recent year that data were collected in the district.

From the 2005-2006 baseline survey data collected from approximately $\frac{1}{4}$ of Nevada's school districts (in addition to samples from Clark and Washoe County School Districts), targets will be established and submitted in the APR due in February 2007. All targets will be established with input from a broad group of stakeholders in a manner similar to that which has occurred in establishing the targets for those indicators throughout this SPP that are "continuing."

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 9 NEW INDICATOR--TARGETS TO BE SET IN 2007

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Disproportionality

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = # of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by # of districts in the State times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

Overview of Issue/Description of System or Process:

This indicator has been designated by OSEP as a "new" performance indicator, which requires that the NDE describe how it will collect data during 2005-2006 in order to set targets and report performance against this indicator in the Annual Performance Report to be submitted in February 2007.

Criteria for Defining "Disproportionate Representation"

A risk ratio analysis will be used to identify disproportionate representation of racial and ethnic groups in special education. The risk ratio, when applied to a disability category, answers the question, "What is a specific racial/ethnic group's risk of receiving special education and related services as compared to the risk for all other students?"

Disproportionate representation will be identified when the risk ratio is 2.0 or greater, meaning that a student is at least 2.0 times MORE likely than all other students to be identified as a child with a disability. Disproportionate representation will also be identified when the risk ratio is 0.5, meaning that a student is 2.0 times LESS likely than all other students to be identified as a child with a disability.

Determining "Inappropriate Identification"

In the fall of 2003, a statewide work group was formed to suggest mechanisms for examining policies, procedures, and practices at state, district, and school levels when significant disproportionality exists regarding over- or under-identification of students with disabilities. Representatives included parent advocates, experts in limited English proficiency, school psychologists, and university faculty. The work group met in person in October, and then used the Project IMPROVE (the state improvement grant project) online conference space to conduct remaining work through February of 2004. The work group leader served as a conduit to the National Center for Culturally Responsive Educational Systems (NCCRESt). Information from NCCRESt and OSEP assisted work group members in their efforts to understand what disproportionality is, understand mechanisms for identifying

disproportionality, and for resolving concerns when significant over- or under-identification of students with disabilities in particular race/ethnic categories is identified. The NDE determined that a set of probing questions would be developed and training would be offered to assist district leaders to analyze data on identification and race/ethnicity, and to examine their local policies, procedures, and practices when significant disproportionality exists.

In accordance with recommendations from the work group, if disproportionate representation is identified in a district, the following policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities.

Review of Policies

- Policies established by the Nevada State Board of Education
- Policies established by the Nevada Department of Education
- Policies established by local Boards of Trustees

Review of Procedures

- Provisions for nondiscriminatory evaluations established in Nevada Administrative Code
- Provisions for identification as a student with a particular disability established in Nevada Administrative Code
- Procedures in state monitoring system to evaluate compliance with federal and state law
- Provisions for identification and evaluation contained in local procedures manuals

Review of Practices

- Monitoring data regarding compliance with identification and evaluation requirements in federal and state law

If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken. The results of the disproportionality analyses, combined with the review of policies, procedures and practices will enable the state to report in February 2007 on the percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification. From these 2005-2006 baseline data, targets will be established and submitted in the APR due in February 2007. All targets will be established with input from a broad group of stakeholders in a manner similar to that which has occurred in establishing the targets for those indicators throughout this SPP that are "continuing."

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 10 NEW INDICATOR--TARGETS TO BE SET IN 2007

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Disproportionality

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = # of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by # of districts in the State times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

Overview of Issue/Description of System or Process:

This indicator has been designated by OSEP as a "new" performance indicator, which requires that the NDE describe how it will collect data during 2005-2006 in order to set targets and report performance against this indicator in the Annual Performance Report to be submitted in February 2007.

Criteria for Defining "Disproportionate Representation"

A risk ratio analysis will be used to identify disproportionate representation within each race/ethnicity category, for the following disability categories:

- Mental retardation
- Specific learning disabilities
- Emotional disturbance
- Speech or language impairments
- Other health impairments
- Autism

The risk ratio, when applied to a disability category, answers the question, "What is a specific racial/ethnic group's risk of receiving special education and related services for a particular disability as compared to the risk for all other students?"

In light of previous Annual Performance Report instructions from OSEP, risk ratios for the other disability categories will not be calculated because the state is unaware of any issues or problems with disproportionality for these disability categories.

Disproportionate representation will be identified when the risk ratio is 2.0 or greater, meaning that a student is at least 2.0 times MORE likely than all other students to be identified as a child with a particular disability. Disproportionate representation will also be identified when the risk ratio is 0.5,

meaning that a student is 2.0 times LESS likely than all other students to be identified as a child with a particular disability.

Determining "Inappropriate Identification"

In the fall of 2003, a statewide work group was formed to suggest mechanisms for examining policies, procedures, and practices at state, district, and school levels when significant disproportionality exists regarding over- or under-identification of students with disabilities. Representatives included parent advocates, experts in limited English proficiency, school psychologists, and university faculty. The work group met in person in October, and then used the Project IMPROVE (the state improvement grant project) online conference space to conduct remaining work through February of 2004. The work group leader served as a conduit to the National Center for Culturally Responsive Educational Systems (NCCRESt). Information from NCCRESt and OSEP assisted work group members in their efforts to understand what disproportionality is, understand mechanisms for identifying disproportionality, and for resolving concerns when significant over- or under-identification of students with disabilities in particular race/ethnic categories is identified. The NDE determined that a set of probing questions would be developed and training would be offered to assist district leaders to analyze data on identification and race/ethnicity, and to examine their local policies, procedures, and practices when significant disproportionality exists.

In accordance with recommendations from the work group, if disproportionate representation is identified in a district, the following policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students within specific disability categories.

Review of Policies

- Policies established by the Nevada State Board of Education
- Policies established by the Nevada Department of Education
- Policies established by local Boards of Trustees

Review of Procedures

- Provisions for nondiscriminatory evaluations established in Nevada Administrative Code
- Provisions for identification as a student with a particular disability established in Nevada Administrative Code
- Procedures in state monitoring system to evaluate compliance with federal and state law
- Provisions for identification and evaluation contained in local procedures manuals

Review of Practices

- Monitoring data regarding compliance with identification and evaluation requirements in federal and state law

If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken. The results of the disproportionality analyses, combined with the review of policies, procedures and practices will enable the state to report in February 2007 on the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

From the 2005-2006 baseline data analyzing whether any significant discrepancy is the result of inappropriate identification, targets will be established and submitted in the APR due in February 2007. All targets will be established with input from a broad group of stakeholders in a manner similar to that which has occurred in establishing the targets for those indicators throughout this SPP that are "continuing."

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 11 NEW INDICATOR--TARGETS TO BE SET IN 2007

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).

Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when eligibility was determined and any reasons for the delays.

Percent = b + c divided by a times 100.

Overview of Issue/Description of System or Process:

This indicator has been designated by OSEP as a "new" performance indicator, which requires that the NDE describe how it will collect data during 2005-2006 in order to set targets and report performance against this indicator in the Annual Performance Report to be submitted in February 2007.

The IDEA-04 requires that students be evaluated and an eligibility determination be made within 60 calendar days of receipt of parent consent for the evaluation, or within a state-established timeline. The Nevada Administrative Code §388.337 establishes a 45-school-day timeline between receipt of consent to evaluate and the determination of eligibility. Therefore, the NDE will report the percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 45 school days.

The NDE annually collects data from school districts regarding compliance with the 45-school-day initial evaluation timeline established under state law. This data collection permits the state to calculate the percent of students evaluated within the state's 45-school-day initial evaluation timeline. However, the data collection will be revised to include a section for local education agencies to identify reasons for delays beyond the 45-school-day timeline. From these 2005-2006 baseline data, targets will be established and submitted in the APR due in February 2007. All targets will be established with input from a broad group of stakeholders in a manner similar to that which has occurred in establishing the targets for those indicators throughout this SPP that are "continuing."

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 12 CONTINUING INDICATOR--OSEP-SET TARGETS AT 100%

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- # of children who have been served in Part C and referred to Part B for eligibility determination.
- # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- # of those found eligible who have an IEP developed and implemented by their third birthdays.

Account for children included in a but not included in b or c. Indicate the range of days beyond the third birthday when eligibility was determined and reasons for the delays.

Percent = c divided by a – b times 100.

Overview of Issue/Description of System or Process:

Federal IDEA regulations at 34 CFR 300.132 require that children participating in early intervention programs under Part C and who will participate in preschool programs assisted under Part B have an IEP developed and implemented by their third birthday. For children who were participating under Part C, federal regulations at 34 CFR 300.132(c) also require that school districts participate in transition planning conferences arranged by Part C agencies.

The Nevada Department of Human Resources is the Lead Agency for Part C implementation in Nevada. Through a Cooperative Agreement between the Nevada Department of Education and the Nevada Department of Human Resources, implementation of child find for children up to their third birthdays is the responsibility of the Nevada Department of Human Resources through its early intervention service providers.

State Level Cooperative Agreement

During the spring of 2004, the Nevada Department of Human Resources (the lead agency for Part C) and the NDE reviewed and revised the Cooperative Agreement that established and in some respects clarified expectations for early childhood transition at age three. Districts report anecdotally some progress in being invited to participate in transition planning. Further, the revised statewide Cooperative Agreement now serves as a blueprint for local agreements to be reviewed and revised during the 2005-2006 school year.

Survey of School District Special Education Directors

During 2003-2004, school district administrators were informally surveyed to gather data regarding concerns about the early childhood transition process. The following issues were identified:

- ❖ coordination with Part C agencies could be improved, in order to facilitate transition for children from Part C to Part B

- ❖ challenges arise when districts are not notified at least 90 days in advance of a child's third birthday—or longer in advance for children whose birthdays will occur late in the school year or during the summer
- ❖ the evaluation data collected by Part C agencies has limited usefulness for eligibility determinations for Part B services (school districts need more norm-referenced than criterion-referenced assessment results; assessment results may be more than 6 months old and therefore not current and valid)
- ❖ families need to be assisted by both Part C and Part B agencies to make smooth and positive transitions from Part C to Part B services

Monitoring Findings

During 2004-2005, the NDE conducted on-site monitoring in Clark County School District (CCSD), which serves approximately 66% of the state's students with disabilities (n=31,000). See Performance Indicator 15 for a description of the method used by the NDE to select local education agencies for on-site monitoring in a particular year. As part of the monitoring activities, the NDE reviewed data submitted by the CCSD concerning the transition of infants/toddlers served under Part C to Part B special education programs.

Baseline Data for FFY 2004 (2004-2005):

According to the data submitted by CCSD, 291 infants/toddlers served under Part C were referred to the district's Child Find center for evaluations to determine eligibility for Part B special education programs. Four (4) of the 291 children were found not eligible, and three of those four children (75%) had eligibility determined prior to their third birthday. Two hundred eighty-seven (287) children transitioning from Part C to Part B were found eligible. Of these, 187 had an IEP developed and implemented by their third birthday. Based on the measurement established above, the percent of children referred by Part C prior to age three, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays is calculated as follows:

	291 = number of children served in Part C and referred to Part B for eligibility determination
(minus)	3 = number referred, found NOT eligible, whose eligibilities were determined by third birthday
(equals)	288
(divided by)	190 = number found eligible who have an IEP developed and implemented by third birthday
(equals)	66% = percent of children referred by Part C prior to age 3, found eligible for Part B, and who have an IEP developed and implemented by their third birthdays

Discussion of Baseline Data:

Various reasons explain the total 101 students (1 who was not eligible; 100 who were) who did not have an eligibility determined and an IEP developed and implemented by their third birthday. According to CCSD records, the following reasons explain the delays beyond the students' third birthdays:

41 students	CCSD Scheduling Issues
29 students	Parent Scheduling Issues (canceled meetings, canceled testing, rescheduling meetings/testing)
18 students	Parents waited more than one month after the transition meeting to schedule testing through Child Find
5 students	Transition meetings were not scheduled by Part C until fewer than three months remained before the child turned three
4 students	Illness of child
4 students	Parents requested specific dates for eligibility team and/or IEP committee meetings, thus limiting the dates available for conducting meetings

Participation in early childhood special education programs is optional for parents. Consequently, districts are somewhat limited in their ability to conduct timely assessments and convene timely meetings while respecting parents' scheduling needs. This situation is unlike school-age children

where compulsory attendance requirements ensure that staff members have access to the students for evaluations. Similarly, districts have no control over situations when Part C representatives do not convene transition meetings 90 days prior to the student's third birthday. Based on the data described above, it would appear that although 101 of the eligibility determinations and IEP meetings were accomplished after the students' third birthdays, 41% of these delays were due to limitations created by CCSD scheduling issues.

Following is a list of the range of days beyond the third birthday for the 101 students who had an eligibility team or IEP committee meeting held after the student's third birthday:

43 students	1-10 days after third birthday
22 students	11-20 days after third birthday
21 students	21-30 days after third birthday
15 students	30+ days after third birthday (summer testing for most of these students)

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays.
2006 (2006-2007)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays.
2007 (2007-2008)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays.
2008 (2008-2009)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays.
2009 (2009-2010)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays.
2010 (2010-2011)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Early Childhood Services and Outcomes (p. 73)
- Special Education Focused Monitoring and Program Improvement System (p. 83)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 13 NEW INDICATOR--TARGETS TO BE SET IN 2007

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = # of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals divided by # of youth with an IEP age 16 and above times 100.

Overview of Issue/Description of System or Process:

This indicator has been designated by OSEP as a "new" performance indicator, which requires that the NDE describe how it will collect data during 2005-2006 in order to set targets and report performance against this indicator in the Annual Performance Report to be submitted in February 2007.

The IDEA-04 requires that IEPs to be in effect when students with disabilities turn 16 include measurable post-secondary goals related to education, training, employment and/or independent living skills (if appropriate), as well as transition services to support those goals.

The 75-item record review protocol used by the NDE to evaluate compliance with state and federal special education requirements will be revised during 2005-2006 to collect the following discrete compliance items:

- whether transition is timely addressed so that required provisions are included for IEPs to be in effect when the student turns 16
- whether the IEPs for students age 16 include post-secondary goals related to education, training, employment and/or independent living skills (if appropriate)

The NDE record review protocol currently contains an item to evaluate whether transition services have been developed for students at age 16. This item will be revised to ensure that transition services are included in IEPs to be in effect when the student turns 16.

During 2005-2006, the NDE will conduct on-site monitoring, including record reviews, in approximately 25% of Nevada's school districts, selected to be representative of the state's population of students with disabilities and considering such factors as district size, existence of urban and rural communities, and range of disability categories represented. The 2005-2006 on-site monitoring findings will be used to establish the baseline data to be submitted in February 2007. From these 2005-2006 baseline data, targets will be established and submitted in the APR due in February 2007. All targets will be established with input from a broad group of stakeholders in a manner similar to that which has occurred in establishing the targets for those indicators throughout this SPP that are "continuing."

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 14 NEW INDICATOR--TARGETS TO BE SET IN 2008

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = # of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school divided by # of youth assessed who had IEPs and are no longer in secondary school times 100.

Overview of Issue/Description of System or Process:

This indicator has been designated by OSEP as a “new” performance indicator, which requires that the NDE describe how it will collect data during 2005-2006 in order to set targets and report performance against this indicator in the Annual Performance Report to be submitted in February 2008.

The NDE has formalized a relationship with Life Tracks, Inc. to collect data from all Nevada students with disabilities at the time they exit high school (i.e., through dropping out, graduating, aging out), as well as one year following exit from high school. These data will include information regarding the student’s employment, education, and living experiences and will be used to improve services for students with disabilities. Specific questions have been developed in concert with Life Tracks, Inc. in response to input from a group of stakeholders that included representatives of Nevada PEP, the state’s Parent Training and Information Center, faculty from higher education, and teachers and administrators from urban and rural Nevada school districts.

To collect data from exiting students, paper surveys will be provided to the student at the exit IEP meeting along with preaddressed, postage-paid return enveloped. Students will be encouraged to complete the survey at that meeting or if they desire, to complete the survey following the meeting. For those students who do not have an exit IEP meeting (e.g., dropout students), efforts will be made to mail a survey to the last known address for completion and return by mail.

In the spring of the following school year, paper surveys will be mailed to those students who exited high school one year previously. The NDE will collaborate with school districts to obtain mailing addresses and telephone numbers for all students to be surveyed. This information will be shared with Life Tracks, Inc. who will send the paper surveys to those students who are one-year out from high school, as well as track survey returns. For any student who does not return the survey within instructed timelines, three attempts will be made to try to interview the student via telephone to collect the information. In advance of the mailing of the surveys, a public relations letter will be sent by Life Tracks, Inc. to all post-secondary students to inform them that the survey will be sent, the purpose of the survey, and the timelines for returning the survey, as well as contact information if the student

should have any questions. Preaddressed stamped envelopes will be provided for the return of all surveys. Additionally, Life Tracks, Inc. has an arrangement with the U.S. Postal Service to obtain the most accurate information available regarding students' addresses so as to maximize the number of students from whom data can be collected.

Following the collection of the data, Life Tracks, Inc. will prepare summary reports of the data and provide them to the NDE. For Nevada's 15 rural school districts, data will be aggregated at the district-level. For Washoe County School District (WCSD) and Clark County School District (CCSD), data will be aggregated at the district and school levels, and for CCSD data will also be disaggregated for the district's five designated regions. Data will also be aggregated for Nevada as a whole. Data will be reported to the public at the district level and state level.

The NDE will work with stakeholders to help use the data to improve transition planning and services for students with disabilities so as to support successful post-school outcomes, including leadership for ongoing professional development and the provision of technical assistance that supports effective decision-making. Data will be collected from exiting students beginning in the spring of 2006 and initial data collection from students one year following exit will begin in the spring of 2007. From these 2005-2006 and 2006-2007 baseline data, targets will be established and submitted in the APR due in February 2008. All targets will be established with input from a broad group of stakeholders in a manner similar to that which has occurred in establishing the targets for those indicators throughout this SPP that are "continuing."

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 15 CONTINUING INDICATOR--OSEP-SET TARGETS AT 100%

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

Measurement:

A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to monitoring priority areas and indicators.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to such areas.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:

- a. # of agencies in which noncompliance was identified through other mechanisms.
- b. # of findings of noncompliance made.
- c. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = c divided by b times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

Overview of Issue/Description of System or Process:

During 2003-2004, the Nevada Department of Education (NDE) piloted its revised monitoring system, which focuses on procedural compliance and program improvement. The system, "Special Education Focused Monitoring and Program Improvement," is described below.

Special Education Monitoring System***SPECIAL EDUCATION FOCUSED MONITORING AND PROGRAM IMPROVEMENT SYSTEM***

USING EVIDENCE FROM PROCEDURAL MONITORING AND DATA ANALYSIS FOR PROGRAM IMPROVEMENT

Understanding the Special Education Focused Monitoring and Program Improvement System is essential to understanding the approach Nevada is taking to improve results for students with disabilities. The system serves as the framework within which all projects, initiatives, and activities are connected. It serves as an organizing tool for the special education unit within the NDE through assisting the unit in prioritizing its efforts and allocating its resources. In short, the work of the NDE on behalf of students with disabilities relates entirely to the goals and performance indicators defined in this State Performance Plan and prior Annual Performance Reports and is woven into the Special Education Focused Monitoring and Program Improvement system.

A continuous improvement monitoring process forms the conceptual model for the system. Four essential steps represent the continuous cycle of activities. These steps are:

- NEEDS ASSESSMENT (the foundation is built upon a comprehensive review of monitoring and program performance data)
- INQUIRY (root causes and possible solutions are explored through use of targeted "probes")
- PLAN DESIGN (not a separate planning step, but part of the school- and district-improvement planning processes mandated by NCLB and state law)
- PLAN IMPLEMENTATION AND EVALUATION (in accordance with the plan design, and creating the NEEDS ASSESSMENT for the next cycle)

The PLAN IMPLEMENTATION AND EVALUATION step derives from requirements in federal NCLB legislation and state legislation to engage in planning processes at the school and district levels to increase student performance. In Nevada, both federal and state laws require local-level planning. Beyond the legal framework for planning processes, there is also a legal framework for collecting and reviewing data against performance indicators. The NCLB Act has an extensive accountability system focused on meeting targets for all students in several areas, including:

- ❖ participation in assessments
- ❖ performance on assessments
- ❖ graduation rates

The IDEA, through the analyses required in the State Performance Plan (SPP) and Annual Performance Report (APR), requires accountability for meeting targets for students with disabilities in several areas, from early childhood through post-school activities. The accountability measures from IDEA and NCLB have been combined in the Special Education Focused Monitoring and Program Improvement System to create 11 performance indicators now required to be considered annually by school districts as they engage in school- and district-improvement plans:

1. identification rates (added by the NDE because of the relationship among identification, placement, access to general curriculum, and performance on assessments)
2. initial evaluation timelines
3. disproportionality in identification, including identification with a particular disability
4. least restrictive environment for students ages 3-5 and 6-21
5. participation and performance in statewide assessments, including AYP designations
6. graduation rates
7. dropout rates
8. suspension and expulsion rates
9. student/parent/family involvement
10. early childhood transitions from Part C, and early childhood outcomes
11. transition planning at age 16, and post-school outcomes

As districts analyze their monitoring and performance data, they are required to develop corrective action plans (CAPs) to address any noncompliance with Part B of the IDEA or state regulations for special education (Nevada Administrative Code, Chapter 388). In addition to correcting any systemic noncompliance within one year, districts are also encouraged to use relevant data from these 11 performance indicators in school improvement plans (SIP) and district improvement plans (DIP). Data profiles containing trend data in each of the 11 performance indicator areas are prepared each summer based upon the previous school year data, and disseminated for use by districts and by the NDE in prioritizing and targeting resources for program improvement.

Following is a list of specific activities included in the four steps in the Special Education Focused Monitoring and Program Improvement System.

Step 1: COMPREHENSIVE NEEDS ASSESSMENT. In this step:

- ❖ NDE and school districts create a data profile from extant NCLB, IDEA, state, and district reporting requirements for each performance indicator
- ❖ NDE conducts policy/procedure/form review for procedural compliance
- ❖ NDE facilitates comprehensive record review in each school district at least once every four years, and facilitates a targeted record review in each school district each year (targeted to previous noncompliance findings)
 - on-site monitoring is conducted in each district at least once every four years
 - the four-year schedule is designed to ensure that a representative sample of districts is scheduled for on-site monitoring each year; factors taken into account to ensure a representative sample include:
 - balancing rural and urban districts and communities within districts,
 - balancing large, medium, and small districts:
 - LARGE: Clark County School District (child count 31,000)
Washoe County School District (child count 8,100)
 - MEDIUM: Districts with child counts between 750-1,250
Carson City, Churchill, Douglas, Elko, Nye, Lyon
 - SMALL: Districts with child counts under 500
Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, NYTC, Pershing, Storey, White Pine, State-Sponsored Charter Schools
 - representation of disability categories and race/ethnic categories (although no district can be a representative sample of another district's race/ethnic distribution, just as no state can be a representative sample of another state's race/ethnic distribution)
 - all schools in the district have records selected for review (except Washoe County and Clark County, where size dictates selection); in Washoe County and Clark County, schools are selected to ensure a representative sample among elementary, middle, and high schools
 - record selection is stratified to ensure representation among race/ethnicity, disability category, and placement categories in proportion to the district's total child count
 - any record with identified noncompliance that can be remedied as it pertains to that specific student is corrected as soon as possible but no later than 45 days (e.g., expired IEP, expired eligibility, student not receiving services)
 - all systemic noncompliance is corrected within one year
 - annual NDE-facilitated targeted record review is required for items found to be noncompliant
 - NDE facilitates comprehensive procedural/record review every four years

- ❖ A Corrective Action Plan (CAP) is required to address noncompliance found through NDE-facilitated review of records and policies/procedures/forms
 - CAPs are designed collaboratively between districts and the NDE
 - CAPs must include procedures for review and revision, if necessary, of policies and procedures, and the provision of training to ensure that systemic noncompliance is corrected within one year
 - Districts must submit verification that CAP activities have been implemented as approved, and provide record review documentation to demonstrate correction of noncompliance
- ❖ NDE and school districts design the process for and collect constituent input from parents, staff, and others (blended with other input activities)

Step 2: INQUIRY TO IDENTIFY CAUSES AND POSSIBLE SOLUTIONS. The NDE has formulated a series of probes to assist school districts in conducting the inquiry that is necessary to identify the root causes and possible solutions for performance data that are below acceptable levels.

Step 3 and 4: DESIGN PLAN; IMPLEMENT AND EVALUATE PLAN. Districts use the school- and district-improvement planning processes already in place in their districts to specifically address the strategies they will use to improve results for students with disabilities.

Identification of Noncompliance

For the record review portion of the system, a comprehensive 75-item record review checklist is used to evaluate compliance based upon documents contained within student records. The checklist is used to evaluate requirements for confidentiality, procedural safeguards (specifically for safeguards in the areas of initial referral and evaluation; initial provision of special education and related services; placement; provision of FAPE; reevaluation); protection in evaluation; IEP development; IEP considerations and components; and placement. A document review checklist is used to evaluate compliance when evidence of compliance is not contained within student records (e.g., child find, referral). Parent survey data are used to corroborate findings and obtain feedback useful in improvement planning.

Review of documentation of corrective actions taken to remedy the noncompliance findings demonstrates that with few exceptions, systemic deficiencies identified by the monitoring system are corrected within one year. Districts submit corrective action plans within 30-60 days of conclusion of the monitoring visit, and the plans require NDE approval. Timelines for corrective actions vary depending upon the nature and level of actions necessary. Documentation of CAP implementation is submitted to the NDE within one year. Technical assistance is provided by NDE staff to assist districts in developing and implementing CAPs.

Correction of Noncompliance

The NDE ensures timely correction of noncompliance through increasingly prescriptive requirements, increased supervision, and increased reporting requirements. Effective correction of noncompliance is demonstrated through corrective action documentation and evidence from subsequent monitoring, although the standard for compliance is often raised over time for areas where a qualitative judgment is made with regard to a particular item (i.e., adequacy of a justification for removal from a regular education environment; sufficiency of the description of present levels of performance).

Timely Identification and Correction

Record review now occurs annually in each district—with the NDE leading a team to conduct a comprehensive review of all 75 items on the record review checklist at least once in every four years, and the NDE facilitating targeted record review in each district during the next three years for items found noncompliant in the NDE review. Correction of systemic noncompliance must occur within one year of the identification of noncompliance. Annual follow-up record review of items previously found to be noncompliant occurs to ensure verification of correction within one year. Compliance is also evaluated through other means such as complaint investigations and due process hearings and reviews.

Complaint Investigation System

See Performance Indicator 16 (page 54) for an overview of the complaint investigation system.

Identification of Noncompliance

Within each complaint investigation report, specific issues are identified, relevant facts are found, legal standards are applied to the facts, and conclusions of law and reasons are developed. Within the conclusions of law, findings of compliance and noncompliance are made, per issue. When noncompliance is identified, corrective actions are required to address student-level and system-level noncompliance, as relevant to the particular findings.

Correction of Noncompliance

The NDE ensures timely correction of noncompliance through increasingly prescriptive requirements, increased supervision, and increased reporting requirements. Effective correction of noncompliance is demonstrated through corrective action documentation.

Timely Identification and Correction

Because the complaint investigation system operates within the 60-day federal timeline, Nevada ensures timely identification of noncompliance. Systemic noncompliance is corrected within one year; and student-specific noncompliance is addressed within 45 days when the NDE makes a specific order (e.g., to conduct an evaluation).

Timelines for specific corrective actions are established in orders for corrective action, and districts are required to adhere strictly to the timelines for actions and documentation of those actions.

Due Process Hearing System

See Performance Indicator 17 (p. 56) for an overview of the due process hearing system.

Identification of Noncompliance

Hearing and Review Officer decisions are examined for findings of procedural noncompliance made within the context of a ruling on the substantive issues.

Correction of Noncompliance

Hearing officers ensure timely correction of noncompliance through the issuance of decisions and orders, when relevant.

Timely Identification and Correction

Complaint investigation procedures are utilized to enforce the implementation of corrective actions resulting from due process hearings.

Mediation System

See Performance Indicator 19 (page 59) for an overview of the mediation system. The NDE mediation system provides parties to a dispute with an opportunity to work collaboratively with a trained mediator in an attempt to resolve all or a portion of the dispute. Mediation agreements may result, but the process does not identify findings of compliance or noncompliance with requirements under Part B of the IDEA.

Baseline Data for FFY 2004 (2004-2005):**A. Noncompliance Related to OSEP-Identified Monitoring Priority Areas**

Following is a table listing requirements related to procedural compliance for each performance indicator established by OSEP as a monitoring priority. For each procedural compliance requirement, a notation of "NC" has been made when the requirement was a noncompliance finding for the school districts monitored during 2003-2004. In the final column, there are notations indicating the number of findings of noncompliance for each of these items made through complaint investigations in various districts during 2003-2004.

NONCOMPLIANCE FINDINGS FROM MONITORING AND COMPLAINT INVESTIGATIONS FOR PROCEDURAL COMPLIANCE RELATED TO OSEP-IDENTIFIED MONITORING PRIORITY AREAS 2003-2004 SCHOOL YEAR						
Performance Indicator References	Procedural Compliance Related Requirement	Monitoring Findings				Complaint Investi- gation Findings (Various Districts)
		Mineral County School District	Nye County School District	Carson City School District	Douglas County School District	
#1, #2, #13, #14	IEP Meeting Notice Transition Information, Notice to Student	NC	NC		NC	
	Student's Preferences and Interests					
	IEP Participants Agency Representatives	NC	NC			
#3	Participation in Statewide or District- wide Assessments					
	Requirements for Accommodations					
	Measurable Annual Goals and Short- Term Objectives					
	Services Consistent with IEPs					8 Findings
#4	Special Factors Behavior Needs					
	Manifestation Determinations; Services on 11th Day of Disciplinary Removal					2 Findings
#5, #6	Justification for Placement Involving Removal from Regular Education Environments		NC	NC	NC	
	Annual Placement Decision		NC		NC	
	Parent Participation in Placement Decision					
	Harmful Effect					
#8	IEP Participants Parents					
	Parent Concerns					
#9, #10	Minimum Criteria for Eligibility			NC		
	Eligibility Team Members				NC	
	Required Assessments		NC	NC	NC	
#11	Prior Written Notice District Proposed Initial Evaluation		NC	NC	NC	
	Initial Evaluation Timeline	NC	NC			2 Findings
#12	IEP Developed/Implemented by third birthday				NC	

During 2003-2004, four districts were monitored. There were 21 findings of noncompliance related to the priorities established in the Performance Indicators (see table above). Each district completed and documented required corrective actions within the agreed upon timeframe, designed to ensure correction of noncompliance within one year. During 2005-2006, districts monitored during 2004-2005 will conduct annual record reviews and provide specific data regarding those reviews to add further verification of correction of noncompliance within one year.

B. Noncompliance in Areas Not Identified by OSEP as a Monitoring Priority

The NDE monitors school districts comprehensively through use of a 75-item record review checklist along with policy/procedure review to evaluate procedural compliance in key areas under the IDEA and NAC. These include requirements for confidentiality, procedural safeguards (specifically for safeguards in the areas of initial referral and evaluation; initial provision of special education and related services; placement; provision of FAPE; reevaluation); protection in evaluation; IEP development; IEP considerations and components; and placement. These same IDEA and NAC requirements are routinely evaluated through other dispute resolution mechanisms within the state's general supervision system, such as complaint investigations (see Section C below).

Following is a table clustering requirements related to procedural compliance under the IDEA and NAC. For each procedural compliance cluster area, a notation of "NC" has been made when a noncompliance finding was made for item(s) within that cluster area for the school districts monitored during 2003-2004. An "NC" in this table represents finding(s) of noncompliance for particular items that were not included in the table in section A. In the final column, there are notations indicating the number of findings of noncompliance for these areas made through complaint investigations in various districts during 2003-2004.

NONCOMPLIANCE FINDINGS FROM MONITORING AND COMPLAINT INVESTIGATIONS FOR PROCEDURAL COMPLIANCE IN AREAS NOT IDENTIFIED BY OSEP AS A MONITORING PRIORITY 2003-2004 SCHOOL YEAR					
Procedural Compliance Requirements for Areas Not Identified by OSEP as a Monitoring Priority	Monitoring Findings				Complaint Investi- gation Findings (Various Districts)
	Mineral County School District	Nye County School District	Carson City School District	Douglas County School District	
Confidentiality					
Procedural Safeguards (notice, consent, rights)		NC	NC	NC	2 Findings
Protection in Evaluation	NC	NC	NC	NC	4 Findings
IEP Development		NC		NC	3 Findings
IEP Considerations and Components	NC	NC	NC	NC	1 Finding
Placement					2 Findings
Caseloads/Class Sizes under NAC					3 Findings
Parentally-Enrolled Private School Students					3 Findings

During 2003-2004, four districts were monitored. There were various findings of noncompliance in cluster areas containing items not specifically identified by OSEP as a monitoring priority (see table above). Each district completed and documented required corrective actions within the agreed upon timeframe, designed to ensure correction of noncompliance within one year. During 2005-2006, districts monitored during 2004-2005 will conduct annual record reviews and provide specific data regarding those reviews to add further verification of correction of noncompliance within one year.

C. Noncompliance Identified Through Other Mechanisms

Complaint Investigations: Thirty-three complaint investigation reports, usually with multiple issues, were issued during the 2003-2004 school year. In these 33 reports, there were 12

findings of noncompliance related to the OSEP-identified monitoring priorities established in the Performance Indicators (see table under Section A above); these findings occurred in three districts (Clark, Nye, and Washoe). For areas not specifically identified by OSEP as a monitoring priority, 18 findings of noncompliance were identified (see table under Section B above); these findings occurred in five districts/agencies (Clark, Lyon, Nye, Washoe, and the Nevada Youth Training Center). In 100% of these investigations, documentation of steps taken to ensure correction of noncompliance was received by the NDE within one year of the findings of noncompliance.

Due Process Hearings/Reviews: Seven due process hearings requested during the 2003-2004 school year were fully adjudicated through the due process and state review levels. One hearing resulted in noncompliance with the requirement to provide services consistent with the student's IEP. During 2004-2005, the NDE did not maintain a system to document implementation of due process/review officer orders; however, no complaint was filed alleging that the orders of the hearing/review officer were not implemented.

Mediations: The NDE mediation system does not identify findings of compliance or noncompliance.

Discussion of Baseline Data:

Verification of correction of noncompliance is a high priority for the NDE, and careful attention is given to ensuring that districts meet timelines for submitting verifiable documentation in accordance with the specific orders for corrective action that are made when noncompliance has been identified. Improvement strategies in the areas of monitoring and dispute resolution systems will enhance the quantity and quality of documentation to be submitted in the future by districts when noncompliance has been identified.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	A. 100% of noncompliance related to OSEP monitoring priorities and indicators is corrected within one year of identification.
	B. 100% of noncompliance in areas not identified by OSEP as a priority is corrected within one year of identification.
	C. 100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) is corrected within one year of identification.
2006 (2006-2007)	A. 100% of noncompliance related to OSEP monitoring priorities and indicators is corrected within one year of identification.
	B. 100% of noncompliance in areas not identified by OSEP as a priority is corrected within one year of identification.
	C. 100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) is corrected within one year of identification.
2007 (2007-2008)	A. 100% of noncompliance related to OSEP monitoring priorities and indicators is corrected within one year of identification.
	B. 100% of noncompliance in areas not identified by OSEP as a priority is corrected within one year of identification.
	C. 100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) is corrected within one year of identification.

2008 (2008-2009)	A. 100% of noncompliance related to OSEP monitoring priorities and indicators is corrected within one year of identification.
	B. 100% of noncompliance in areas not identified by OSEP as a priority is corrected within one year of identification.
	C. 100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) is corrected within one year of identification.
2009 (2009-2010)	A. 100% of noncompliance related to OSEP monitoring priorities and indicators is corrected within one year of identification.
	B. 100% of noncompliance in areas not identified by OSEP as a priority is corrected within one year of identification.
	C. 100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) is corrected within one year of identification.
2010 (2010-2011)	A. 100% of noncompliance related to OSEP monitoring priorities and indicators is corrected within one year of identification.
	B. 100% of noncompliance in areas not identified by OSEP as a priority is corrected within one year of identification.
	C. 100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) is corrected within one year of identification.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Dispute Resolution System (p. 70)
- Special Education Focused Monitoring and Program Improvement System (p. 83)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 16 CONTINUING INDICATOR--OSEP-SET TARGETS AT 100%

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = $(1.1(b) + 1.1(c))$ divided by (1.1) times 100.

Overview of Issue/Description of System or Process:

The NDE has established a complaint investigation system in compliance with IDEA procedural requirements. Federal and state laws require that an investigation be conducted and a decision issued within 60 days of receipt of a complaint alleging a violation of IDEA. Extensions of time may be granted by the NDE if exceptional circumstances exist with regard to a specific complaint.

The NDE judiciously uses the authority granted to states under 34 CFR 300.661(b) to extend a particular complaint timeline under extenuating circumstances. When complaints are received near the end of the school year, or during a summer break, the investigation team first precisely identifies the issues contained in the complaint. Then, extensions are granted only if an issue requires that school personnel be personally interviewed, and if it is determined that those personnel are unavailable during the summer break. Generally, no extensions are made to timelines unless personnel will be absent for an extended period of time (e.g., no extensions are made for three-week "track breaks" or other more limited breaks). If a complaint is received that contains more than one issue, and at least one issue must be extended due to the unavailability of essential personnel, any remaining issues are investigated and reported within the 60-day timeline.

Although not required by law, complaint investigation reports are routinely shared with the members of the State Special Education Advisory Committee. Information regarding corrective action plans and documentation is provided upon request.

Baseline Data for FFY 2004 (2004-2005):

See Attachment 1. During 2004-2005, each complaint investigation was completed within the 60-day timeline or within the NDE-authorized extension of time.

Discussion of Baseline Data:

Of the two complaints reported under cell (1.1(c)) in Attachment 1 (p. 63) as having been resolved beyond 60 calendar days with a documented extension, one was extended because it addressed the same issues that were being addressed in a due process hearing. Of the six complaints listed as pending under cell (1.3), three were received with less than two weeks of the school year remaining, and three were received after school had recessed for summer break. In each of these six complaints, personnel who were essential for fact-finding were unavailable during the summer break. Investigations were completed and reports were issued for all seven pending complaints no later than 10/7/04.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2006 (2006-2007)	100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2007 (2007-2008)	100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2008 (2008-2009)	100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2009 (2009-2010)	100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2010 (2010-2011)	100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Dispute Resolution System (p. 70)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 17

CONTINUING INDICATOR--OSEP-SET TARGETS AT 100%

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = $(3.2(a) + 3.2(b))$ divided by (3.2) times 100.

Overview of Issue/Description of System or Process:

The NDE has established a due process hearing system in accordance with the requirements of state and federal law. The NDE trains and maintains a cadre of approximately six experienced hearing officers, who are assigned on a random basis when local education agencies notify the NDE that a request for a due process hearing has been received. The NDE has a two-tier hearing system, which gives an opportunity for a party dissatisfied with the decision of the lower-level hearing officer an opportunity to seek a review of the decision by a state-level review officer. Three attorneys (one in-state, two out-of-state) form the cadre of review officers.

A comprehensive training for hearing and review officers is conducted annually by outside consultant/attorneys who provide similar training throughout the nation. Decisions are reviewed quarterly to evaluate adherence to NDE procedures and standards for quality, and to identify training priorities. An annual survey is conducted of all parties who used the system during the previous year, also to identify training priorities.

Quarterly training sessions are held, focused on logistical issues (e.g., hearing arrangements, addressing special needs), pre-hearing matters (e.g., clarification of issues; pre-hearing conference calls; witnesses), management of the hearings (e.g., order in which testimony is received), and decision writing (e.g., application of law to facts, clarity of decisions and orders). The importance of adherence to due process and review timelines is emphasized continuously. Training is also provided to assist hearing officers in applying a proper standard when determining whether an extension should be granted at the request of one or both parties. Written decisions are thoroughly reviewed by outside consultant/attorneys to identify opportunities for improvement, and future trainings focus on these areas for improvement.

Baseline Data for FFY 2004 (2004-2005):

See Attachment 1. There were three fully adjudicated due process hearings conducted during 2004-2005 (Attachment 1, p. 63). Each hearing was conducted and a decision rendered within a date-specific timeline extended by the hearing officer at the request of one or both of the parties.

Discussion of Baseline Data:

School districts and other constituents have expressed concerns for the growing financial cost of resolving disputes through due process hearings and court litigation. In response to these concerns, the NDE has begun to develop and implement a system that will make IEP Facilitators available to

parents and districts as they work toward consensus in IEP development. This and other improvement strategies are included in the Dispute Reference System initiative referenced below.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of fully adjudicated due process hearing requests are fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2006 (2006-2007)	100% of fully adjudicated due process hearing requests are fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2007 (2007-2008)	100% of fully adjudicated due process hearing requests are fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2008 (2008-2009)	100% of fully adjudicated due process hearing requests are fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2009 (2009-2010)	100% of fully adjudicated due process hearing requests are fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2010 (2010-2011)	100% of fully adjudicated due process hearing requests are fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Dispute Resolution System (p. 70)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 18 NEW INDICATOR--TARGETS TO BE SET IN 2007

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3(B))

Measurement:

Percent = 3.1(a) divided by (3.1) times 100.

Overview of Issue/Description of System or Process:

This indicator has been designated by OSEP as a "new" performance indicator, which requires that the NDE describe how it will collect data during 2005-2006 in order to set targets and report performance against this indicator in the Annual Performance Report to be submitted in February 2007.

The IDEA-04 requires local education agencies to convene a resolution session within 15 days of the receipt of the due process hearing notice unless the parties agree in writing to waive the resolution session or agree to use mediation. The NDE has developed procedures and forms to guide parties and hearing officers through the resolution session process. This information is posted on the NDE web site, and training was provided to special education administrators and Nevada PEP, the state's federally funded Parent Training and Information Center.

During 2005-2006, the NDE will develop and implement procedures for collecting information to report the percent of hearing requests that went to resolution sessions that were resolved through resolution session agreements. The NDE has a data system in place to collect the total number of hearing requests in each school year, as well as timelines for issuance of decisions, requests for reviews, and issuance of review decisions. The following data elements will be added to the existing system:

- Number of resolution sessions
- Number of waivers of the resolution session
- Number of agreements to use mediation in lieu of the resolution session
- Number of hearing cases closed as a result of the resolution session settlement agreement
- Number of hearing cases with partial resolution as a result of the resolution session settlement agreement

Analysis of these data will enable the NDE to report annually the percent of hearing request that went to resolution sessions that were resolved through resolution session settlement agreements. From these 2005-2006 baseline data, targets will be established and submitted in the APR due in February 2007. All targets will be established with input from a broad group of stakeholders in a manner similar to that which has occurred in establishing the targets for those indicators throughout this SPP that are "continuing."

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 19 CONTINUING INDICATOR--NDE-SET TARGETS

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = $(2.1(a)(i) + 2.1(b)(i))$ divided by (2.1) times 100.

Overview of Issue/Description of System or Process:

In compliance with federal IDEA requirements, the NDE has established a voluntary system for mediation of special education disputes. State mediation is available for those who have not filed a request for a due process hearing in addition to those who have. The NDE maintains an experienced cadre of approximately 8 mediators who receive training from the NDE to improve their knowledge of special education requirements as well as to strengthen their skills as mediators. NDE appoints mediators within five days of ascertaining that there is mutual agreement to mediate; the timeline for completing mediations is then controlled by parties depending on their needs. After each mediation session, both parties and the mediator are given an opportunity to rate the session as having been positive, fair, or poor.

The NDE, the local school districts, the parent training and advocacy community, and other stakeholders view mediation as an important option for dispute resolution. Although some mediations result in partial, rather than full agreement, the NDE and its stakeholders acknowledge that settling any issues prior to a due process hearing leads to shorter, and therefore less costly hearings. Consequently, the NDE includes mediations that result in either partial or full agreement in its calculation of the percent of mediations held that resulted in mediation agreements.

Baseline Data for FFY 2004 (2004-2005):

See Attachment 1. During 2004-2005, 21 mediations were conducted and 18 (86%) resulted in full or partial agreements (Attachment 1, p. 63).

Discussion of Baseline Data:

Following is a table showing four-year trends in the state's mediation system.

School Year	# Mediations Conducted	# Mediations with Full or Partial Agreement	% of Mediations Resulting in Mediation Agreements
2001-2002	19	15	79%
2002-2003	11	10	91%
2003-2004	17	15	88%
2004-2005	21	18	86%

As the data show, the percent of mediations resulting in agreements has varied over the last four years from a low of 79% to a high of 91%. During the last three years, there has been a slight downward trend in the percent of mediations resulting in agreements, from 91% in 2002-2003 to 86% in 2004-2005. In 2004-2005, parties to the mediation also rated the experience less positively than in the previous year: 75% of parents rated the sessions as “positive” (down from 85% the previous year); 85% of districts rated the sessions as “positive” (down from 95% the previous year).

It is clearly not possible for the NDE to ensure that mediations result in agreements; however, it is possible for the NDE to ensure that its mediators are knowledgeable and well-trained, and that parties are made aware of the value of settling disputes through mediation. Improvement activities targeted at these objectives will occur during 2005-2006 and beyond, in an attempt to increase the percent of mediations resulting in mediation agreements.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	86% of mediations held will result in mediation agreements.
2006 (2006-2007)	87% of mediations held will result in mediation agreements.
2007 (2007-2008)	88% of mediations held will result in mediation agreements.
2008 (2008-2009)	89% of mediations held will result in mediation agreements.
2009 (2009-2010)	90% of mediations held will result in mediation agreements.
2010 (2010-2011)	91% of mediations held will result in mediation agreements.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Dispute Resolution System (p. 70)

Part B State Performance Plan (SPP) for 2005-2010

INDICATOR 20 CONTINUING INDICATOR--OSEP-SET TARGETS AT 100%

Overview of the State Performance Plan Development:

See description in Indicator 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

State reported data, including 618 data and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring accuracy).

Overview of Issue/Description of System or Process:

The NDE annually collects data from its 17 local school districts, the Nevada Youth Training Center, and state-sponsored charter schools. Child count and placement data are collected electronically and software tools are used to compile submissions, search for duplicates, perform error checks, and prepare data for submission to OSEP on OSEP-supplied data files each February 1. Paper submissions are provided by local education agencies for exiting, discipline, and personnel data. These submissions are entered into a database for compilation and submission to OSEP on OSEP-supplied data files each November 1.

The NDE ensures that data are reported in a timely manner through implementing the following steps:

- instructions are sent to districts, the Nevada Youth Training Center (NYTC), and state-sponsored charter schools annually, including forms for Child Count; Placement; Personnel; Exit; and Discipline Data
- training is provided at meetings of local special education directors (NYTC participates) and in special sessions for state-sponsored charter school administrators
- deadlines are established for return of data to NDE
- districts, NYTC, and state-sponsored charter schools submit data electronically, or on paper, or through a combination
- NDE compiles into database
- NDE submits to OSEP via paper, to WESTAT electronically

Accuracy is ensured through the following steps:

- WESTAT flags significant changes in number or percentage over previous year
- NDE reviews district level data, NYTC data, and state-sponsored charter school data for obvious changes
- instructions are provided annually and aligned with OSEP instructions to states
- state IEP forms and guidelines clarify the use of race/ethnicity and placement codes
- technical assistance is available in person or via telephone

The NDE ensures that local agencies collect and report data that is consistent with the federal requirements through the following steps:

- procedures and timelines are established
- districts and state-sponsored charter schools submit data in accordance with timelines or within approved extensions of time
- child count and local plan data certifications are obtained with the submission of data
- data are aggregated and reported to OSEP
- documentation (electronic and paper) is maintained
- errors that are discovered are brought to the attention of districts, NYTC, and state-sponsored charter schools so that necessary revisions can be made

Baseline Data for FFY 2004 (2004-2005):

The 2004-2005 annual §618 data (child count and placement in February 2005; exiting, discipline, and personnel reports in November 2005) were submitted on time although resubmissions were necessary to correct errors in the exit table and the child count/placement tables. Discipline data submitted by Washoe County School District was acknowledged to be incomplete due to a data system failure; the failure was addressed and future submissions are anticipated to be accurate.

The Annual Performance Report was submitted on time and accurately in March 2005. There was no requirement to submit a State Performance Plan during 2004-2005.

Discussion of Baseline Data:

The annual child count/placement submission was revised to reflect a revised submission from a local educational agency. The exit data was revised to correct an error in addition in the total number of students exiting at age 22+ (an optional data collection category). These revisions were made within the timeline established by WESTAT for submission of revisions.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.
2006 (2006-2007)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.
2007 (2007-2008)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.
2008 (2008-2009)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.
2009 (2009-2010)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.
2010 (2010-2011)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

Improvement Activities/Timelines/Resources:

See Attachment 2, Improvement Activities/Timelines/Resources, for the following initiatives:

- Data-Based Decision Making (p. 68)

Attachment 1—Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act

SECTION A: Signed, written complaints	
(1) Signed, written complaints total	21
(1.1) Complaints with reports issued	12
(a) Reports with findings	9
(b) Reports within timeline	10
(c) Reports within extended timelines	2
(1.2) Complaints withdrawn or dismissed	3
(1.3) Complaints pending	6
(a) Complaint pending a due process hearing	1

SECTION B: Mediation requests	
(2) Mediation requests total	26
(2.1) Mediations	
(a) Mediations related to due process	16
(i) Mediation agreements	13
(b) Mediations not related to due process	5
(i) Mediation agreements	5
(2.2) Mediations not held (including pending)	5

SECTION C: Hearing requests	
(3) Hearing requests total	52
(3.1) Resolution sessions	NA
(a) Settlement agreements	NA
(3.2) Hearings (fully adjudicated)	4
(a) Decisions within timeline	2
(b) Decisions within extended timeline	2
(3.3) Resolved without a hearing	48

SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	0
(4.1) Resolution sessions	
(a) Settlement agreements	
(4.2) Expedited hearings (fully adjudicated)	
(a) Change of placement ordered	